

10/13/87

1130

Minutes of a Town Board Meeting of the Town of Riverhead to be held on October 13, 1987 at 7:30 p.m. for the purpose of conducting public hearings.

Present: Joseph F. Janoski, Supervisor
Victor Prusinowski, Councilman
John Lombardi, Councilman
Louis Boschetti, Councilman
Robert Pike, Councilman

Absent: Richard Ehlers, Town Attorney

Supervisor Janoski called the meeting to order at 7:30 p.m. and the Pledge of Allegiance was recited.

Supervisor Janoski, "This meeting has been called for the purpose of the list of public hearings which are on the agenda this evening. I think it is fair to say that the purpose of the public hearings are to hear what the citizens in town feel about the proposals that are under consideration. Both the Town Board and the Planning Board have been at work over these many months trying to come up with an addressing of the future of the town and the development therein. I would only repeat that the purpose of this meeting, the purpose of these hearings is to hear from you, the citizens, the owners of the land and those that are concerned with the future of Riverhead as to what your point of view is. We would limit each of the speakers to five minutes. We will of course, continue as long as necessary to hear everyone who has any point of view on any of the public hearings. And certainly, if there's something that you would like to add, you would be recognized again only after everyone who wishes to speak on that particular issue has spoken. All of the public hearings have been called for 7:30. The first two under consideration we will call and let run simultaneously. What is under consideration here is a local law providing for a moratorium in the Town of Riverhead on subdivisions and changes of zone. There is another version of a moratorium which is also under consideration and that has been referred to as the Planned Compliance Moratorium which assumes the zoning changes that have been proposed. So that an owner of property or a developer who wishes to move forward under the provisions of the proposal, would be allowed to move forward in his application. There is yet, of course, a third alternative which is to do nothing. Having said that, I would recognize.... Let's call this public hearing. Let the record show that the hour of 7:34 p.m. has arrived. The Town Clerk will please read the notice of public hearings."

PUBLIC HEARING - 7:30 p.m.

I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall on Tuesday, October 13, 1987 to hear all interested person wishing to be heard re: A Local Law providing for a moratorium on lands (other than the Southwest Quadrant, Wading River and the Hamlet of Riverhead) for which master planning has been undertaken.

PUBLIC HEARING ContinuedSupervisor Janoski, "Rick Hanley."

Rick Hanley, Planning Director, "The Town of Riverhead has been operating under a moratorium for the past several months which expires on November 2, 1987. The reason for that moratorium was for the Town Board to digest information that it had received from Holzmacher, McLendon and Murrell which is essentially a Master Plan revision for the town which was entitled Recommendations for the Preservation of Farmland. That plan called for several land use management techniques designed to preserve farmland. These include the establishment of an agricultural resource conservation overlay district, amendments to the Riverhead Code relative to farmland preservation, construction of a farmers bill of rights, protective farm practices, mandatory farm lot creation in residential subdivision of land and the establishment of a transfer of development rights program. This Master Plan revision has been categorized as a Type I action by the Lead Agency, the Town Board. And hence, is under review as part of a generic impact statement. That statement is not expected to be completed until after the existing moratoria expires. And hence, the agricultural committee of the Town Board has recommended that a full Town Board hold hearings on the moratoria that the Supervisor has explained. Essentially, we have three alternatives. We have a no action alternative which would mean there would be no moratorium at all in the Town of Riverhead. Essentially, what that would mean for development is that the town would develop as dictated by the existing zoning map. That zoning map, essentially, is a map which shows density of one unit per acre pretty much town wide on almost of the vacant farmland parcels. The second alternative which is proposal "A" this evening which would impose a moratorium on the subdivision of land, the development of residential condominiums and site plans on business property within the town unless it's exempted by the language of the moratorium. That moratorium would be within the study area which is shown on the map behind me. This study area exempted Wading River hamlet because that particular hamlet is presently being looked at or is about to be looked at by a consultant for a hamlet study. And it also exempted what we call the Southwest Sector in Riverhead Town. And the reason for that exemption was because we have done in house, a land use analysis and we have made planning recommendations for that area. So those two areas as well as the entire Riverhead hamlet as defined by the hamlet line will be exempted from this proposal "A" moratorium. The moratoria lists several exemptions from it. It talks about an exemption for the construction of a single-family home on a single and separate lot. It talks about an exemption for the reconstruction or alterations of existing buildings and has language relative to an exemption for those subdivision applications which have received a preliminary approval by the Planning Board as of September 5, 1987. And also has a number of other exemptions for affordable house and TDR receiving. There is also a provision in this moratorium proposal for an application to be made to the Town Board, a petition to be exempted from this moratorium and the Town Board would have passed that with a majority plus one or a four vote majority. The duration of this proposed moratorium is for six months, no longer than six months. The third proposal we have in front of is what we call a Planned Compliance moratoria. That moratorium, essentially, would allow all town departments to accept applications for a

PUBLIC HEARING ContinuedRick Hanley, Continued

development if they are in conformance with this study area map dated September 29, 1987. Essentially, what you see here is the proposal from H2M with some changes. The agricultural committee has asked that, for the purpose of this moratorium, that the Town Board consider the removal (again) of the Wading River hamlet, the Southwest Sector planning area as well as the Riverhead hamlet since we had not done any real hamlet studies within the hamlet as far as traffic and density. What we're looking at is a map of most of the vacant areas within the town. The complied moratorium would do the following: it would allow the Planning Board to accept, the clerk of the Planning Board to accept subdivision applications that comply with this map. The map, essentially, revolves around hamlet centers which you see in red. This is Jamesport, Aquebogue and a number of hamlet centers along Sound Avenue. Surrounding those hamlet centers is one acre zone. The complied moratorium would provide for a subdivision application to be accepted if it conforms with the underlined density of this one acre zone that you see in the burnt orange as well as provisions in the legislation which have mandatory design standards for subdivision. Within that one acre zone, the design standard for subdivision is the creation of farm lots of a minimum of 22 acres for each farm lot and also provides for, in each subdivision, a minimum of 50% open space. The next area that we see is in yellow and the underlined density in this farmed neighborhood zone is 80,000 square feet or two acre. Again, there are mandatory design standards in this zone which essentially create farm lots of 22 acres and provide for open areas at 70% of total land. The map of "C" also provides for a reduced transfer of development right program reduced in terms of descending areas or the acreage ascending. That ascending area that you see in the pumpkin orange, that area is defined as any parcel which is contiguous with a parcel for which the development rights have been purchased by Suffolk County. The idea being, trying to get uninterrupted areas of farmland in this town. The decision rule in terms of the compliance of this moratorium would be that; if a subdivider were to propose a development on any of these parcels, the underlying zoning would be ten acre to be developed on site with the opportunity to send at 28 units per acre to a receiving area which you see in the gray. The underlying zoning in the receiving area is two acres, one unit for every two acres. However, with transfer of development rights, that density can be increased to one half acre or two units per acre. So that is essentially, the idea of the compliant moratorium. I just want everyone to understand that this hearing tonight is not on an amendment to the zoning map. This is strictly a hearing on a moratoria which is different than a straight moratorium where there are no applications accepted. This one provides for applications to be accepted if they are in conformance with the planning. I think that is all on the moratorium."

Supervisor Janoski, "It is also fair to add, I believe, that no member of the Board has embraced that map or the proposals. We are going through process right now with making decisions. This is just that, a proposal at the present time. It is neither supported by majority membership of the Board and that process with.

PUBLIC HEARING ContinuedSupervisor Janoski, Continued

the establishment of a Task Force, to build a consensus, is moving forward. And at some point in time, we will receive a report from the Planning Board and the members of the Planning Department as to their recommendations. And I would say without fear, without hesitating, that it would probably be somewhat different than what you see there on the map. I will recognize anyone wishing to be heard. Mr. Danowski."

Peter Danowski, Attorney, "For various owners of land throughout the town, I am an attorney and I've got clients in different situations throughout the township. I haven't heard a positive comment from any client embracing any of the ideas that I've heard come forward. And I've really heard general criticism that says; what is wrong with leaving the zoning the way it is currently with one acre throughout much of the town? I have also personal opinion as to the current moratorium that is in effect and whether that truly was correctly passed. And whether in fact, we should have had a public hearing first before we ever passed that particular moratorium. I opposed on behalf of every client I have, to the extension of any moratorium. I'm also opposed to any upzoning. I have yet to hear why we can not pass a transfer of development rights statute with the current zoning in place. If that's the popular idea and I'm not opposed to it, and certainly developers and owners of land, would not be opposed to it, that on a voluntary basis, if a farmer, developer type, a person who does neither but owns some land, wish to voluntarily transfer some development rights to another person and let the other person seek an increased density with the town, there would be nothing wrong with passing that statute today after public notice and public hearing without having to upzone anyone's land. If truly we need an establishment of a farmers bill of rights, then let's pass that bill of rights. But don't tack it onto a general upzoning in the town. What we have here, and I just tend to look at isolated strips of farmland that clients own. I have a client, and I look back because I'm watching people wander in the room that may wish to speak rather than have their lawyer speak for them, but a person like Alberta Young who came to this Town Board, it seems like a year ago, maybe longer than that, who looked at a map of her land. And you said; under the current law that then existed, she had a right to apply to this Town Board for a special permit to put residences in what is now or was an industrial zone up next to Northville Dock. She filed that application. This Town Board saw fit to deny her application to not allow residences by special permit and then to moratorium her so she couldn't do anything else with the land. So she sat there after spending a good deal of time and effort and money looking at what was on the books with this town, taking the time and trouble of filing an application to this Town Board, being told her application, (after a good deal of time went by) was denied and then was told she couldn't do anything further with her land for a good deal of time. Now, you're suggesting to her that you should again, wait some more time and pass another moratorium. You've also been polite enough to tell her and show her another map saying that she's in a two acre zone rather than a one acre zone. And as politely as you might want to put it, you have devalued her land. I mean, it's rather obvious and I think you should be candid enough to tell the people that are getting

PUBLIC HEARING ContinuedPeter Danowski, Continued

rezoned, that they are going to be financially hurt. You may take a tack that says; that's fine, we don't care. If that's your opinion, that's fine. You're going to vote, as a Town Board as individual members. But I don't think it's fair to suggest to someone who had the ability to do a one acre plan, that you somehow benefitted that person by upzoning them to two acres. I don't think there's any way to convince anyone of that. I look at a person like Ray Zaleski who I spoke to not that long ago, and he's over in Jamesport and I don't know if he's read my recent letter that just went in the mail. You put him, I believe, in a ten acre zone. I don't think you're going to convince him that you're doing him any good."

Supervisor Janoski, "Peter, I have to caution you. You're five minutes have elapsed."

Peter Danowski, "Well, alright. The reason I'll be apologetic about that is; you're saying five minutes per person and I can bring these individuals up here or you could give me the opportunity to speak for each one of them. I'll sit down so everyone else can get up and make their comments. But generally, I'm against any moratorium and I'm for one acre zoning."

Supervisor Janoski, "Ok. Thank you Peter. Sherry."

Sherry Wendelken, Riverhead, "I too, have clients although I'm not an attorney. I'm in the real estate business and I have purchasers as well as sellers who have been very patient through a nearly nine month moratorium. And as soon as this hit the papers, I started to receive panic phone calls regarding a possible another six month moratorium. How many moratoriums are there going to be after the six months is up? What have they done in the nine months. It seems to me that the Town Board has not accomplished.... I can not see what they have accomplished in the nine months. We've gone through a series of maps. Now, this latest moratorium is a six month and you can apply according to this map. One of the questions I have, if I own a piece of property that is zoned two acre under this map, I make an application under two acre and then you decide to can this map and make it a one acre. What happens to my two acre application? It seems to me that it doesn't make any sense. You're going from one thing to another and you can't decide what you want to do. You have until November 2nd. It seems to me that the town has had plenty of time to decide and you should decide what you're going to do and the end of the moratoriums."

Supervisor Janoski, "Thank you Sherry. Mr. Klein."

John Klein, L.I. Farm Bureau, "Mr. Supervisor and members of the Town Board. My name is John Klein. I am a member of the law firm of Meyer, Suozzi, English and Klein and I appear here tonight on behalf of the Long Island Farm Bureau. The statement that I'm about to give within five minutes constitutes the position of the Bureau with respect to the scope of tonight's public

PUBLIC HEARING ContinuedJohn Klein, Continued

hearings and the three alternatives available to this Board in dealing with the prospective expiration on November 2nd of the moratorium previously imposed by this Board. Until last week, the persons most affected by the several and contradictory proposals which have come forth in the past several months have been systematically excluded from the deliberative process in developing the legislation. That exclusion served only to heighten the confusion and apprehension which surrounded the events of the past several months. Fortunately, that problem is being resolved by the constitution of a Task Force which held its first meeting last week involving members of the Town Board, Planning Board and the agricultural community. The Task Force held its first meeting less than a week ago and spent approximately three hours defining the parameters of the issues involved, the general areas of agreement and the general areas of disagreement over the various proposals which have come forward affecting the ownership and long-term equity of farmers' land. Less than one week later, the agricultural community, which should have been included in the process from the inception, is now being asked to respond to the three alternatives which are before the Board tonight in an atmosphere of crisis of time. That crisis was generated by the Town through the imposition of the moratorium, without public hearing, earlier this year. We respectfully, but firmly, argue that the crisis atmosphere is directly counter-productive to a thoughtful and reasoned approach to the critical issues before you which affect all of the people of the Town of Riverhead in general and the farmers in particular. Compounding this problem is the fact that the several proposals which have emerged from differing agencies within the same town government sharply conflict with each other and add elements of chaos and confusion to that time crisis. Accordingly, our first suggestion is that the Town Board recognize that the crisis atmosphere now prevailing should not be a determining factor with respect to either the time-table or the substance of deliberations about the future of the various proposals. While moratoria, when adequately justified and legally adopted by the town, are legitimate instruments of the municipal planning process, they have built into them enormous inequities for the persons whose properties are affected particularly, as here, at a critical time in their use and enjoyment. As you are aware, those inequities have been recognized twice within the past four months by the United States Supreme Court as being compensatory. Therefore, in the context of equity, the Long Island Farm Bureau believe strongly that the appropriate course of action for the Town Board is to adopt (which Mr. Hanley has described as) the "no action" alternative and permit the existing moratorium to expire by its own terms. Its continuation and its impact on property owners affected, simply can no longer be justified in view of the protracted delays in developing and in considering proposals. The cloud that hangs over the agricultural community is painfully aggravating already serious economic concerns faced by many of your farming constituents. Continuation of the moratorium, coupled with the other troublesome aspects of today's business of farming, may literally drive some of these people who have been the backbone of this town for decades, "over

PUBLIC HEARING ContinuedJohn Klein, Continued

the brink." We urge that you reject the other two alternatives as reflected in the proposed local laws. The local law which continues the moratorium with the exception of the Southwest Quadrant, Wading River and part of Riverhead, contains all of the injustices of the existing moratorium which is to expire November 2nd. The Plan Compliance proposal, while well intentioned, from a practical standpoint constitutes a de facto adoption of the "Interin Plan" which will then take on a life of its own. Through the process of legislative osmosis, it will become the final product thwarting the intentions of the Board to permit objective evaluation of its merits by the town government and the people affected by it. By embracing the plan and requiring all development activity to be consistent with it, the Town Board would be shifting the burden of proving the wisdom, equity and practicality of the plan from the town as its author to those who have legitimate objections to it. If, indeed, there is to be an open and uncommitted evaluation of the Interim Plan, that purpose will be fatally undercut by requiring all development to be consistent with it. In addition, there are many unanswered questions, undefined procedures and processes and legal issues pertaining to the legislation in the local law and in the Interim Plan itself. In light of the requirement in the local law that all applications "completely comply" with the Interim Plan these uncertainties guarantee that, as a practical matter, no plan can be found to be "completely" in compliance. That frailty is underscored when one recognizes that the sole determining agency of "complete" compliance will be the unnamed staff constituting the Town Planning Department, with no right of review or appeal, thereby flying in the face of basic due process. In conclusion, the Farm Bureau urges that the sensible and fair procedure going forward is to permit the moratorium to expire and promptly go about the task of concluding the work that has been commenced on a joint and cooperative basis by the Town Board, the Planning Board and the community."

Supervisor Janoski, "Thank you Mr. Klein."

Paul Baker, Wading River, "I'm speaking as a representative of the organization of Riverhead Civic Associations. Planning is a cooperative process. It brings many community interests together to discuss and establish intelligent land use. Moratoriums are generally needed because the planning process has not happened. Civic Associations in this town have repeatedly asked for hamlet studies and good planning. We are told by our Planning Board that our input is not welcome. We are given time commitments by our Town Board for planning to be done. These are not honored. We are told that farmers and developers are responsible for this "foot dragging". Farmers are told that civic organizations are having too much say and are responsible for delays. Moratoriums are proposed which divide this town even further. We believe it is time to end this petty bickering, decisivements, and "foot dragging". The people of Riverhead need a Planning Board which is sensitive to intelligent planning and not small town politics. Our Town Board must honor their verbal commitments. We support

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PUBLIC HEARING Continued

Paul Baker, Continued

a total moratorium. The planning process should have been completed by now both in Riverhead and Wading River. After great debate, the town plan of 1973 was never adopted. The plans of 1987 will not meet the same fate. If we allow application review and compliance applications we agree to draw out this process. Without a moratorium we are defenseless. The strongest moratorium possible is not acceptable to our associations, but it is unfortunately the only hope we have. A message moreover must be delivered-- Riverhead's greatest resource and strength are its people. People working together to intelligently plan for the future. We will not stand idly by and allow developments of the recent past to divide us. The full moratoriums must be passed now, and planning put in place. If Boards are not able to accomplish this, they should step aside. Our communities will speak further on this issue with their votes on election day. Thank you very much."

Supervisor Janoski, "Mr. Talmage."

John Talmage, Baiting Hollow, "I'm a member of a six generation family farm on Sound Avenue. I am not the sixth generation. I have a grandson who is the sixth generation on that land. I'd like to comment on the various proposals. First of all, a moratorium is something we duck behind when we either haven't had time or haven't been able to find some solutions. And we are under a moratorium today because of that. And some of the difficulties that the moratorium create are being voiced right here today. So a continued moratorium, I believe, is going to be a serious mistake. I'm happy to be a part of a small town and the small town style that we have. However, we are getting to be a bigger town and perhaps we need to be somewhat more sophisticated in our ability to deal with our problems. Long Island has more people than, if I understand correctly, 41 states. Suffolk County has about the twice the population than the State of Vermont. Suffolk County is the largest agricultural county in the State of New York and Riverhead is the largest agricultural town in Suffolk County. So we do have a lot of agriculture and it is important. However, some of the plans that have been talked about here today, have been talked about as farmland preservation plans. I don't think that's what they are. They are plans which are devised to try to deal with some other problems that people in this town see; density, population pressure on the natural resources, costs of services and schools. And these are the things that I believe the Planning Board and this Town Board are really trying to deal with. But please don't call it a farmland preservation program unless you have worked with the agricultural industry here to devise plans which do in fact foster and encourage agricultural. This is very discouraging to farmers to have their land which is their collateral which is their old investment compromised by an upzoning which says this land has a different value all of a sudden. So we would hope that you would let this moratorium end and be about a deliberate and prompt attacking of the problems that we have. And the agricultural community would like to be a part of that discussion. Levittown has had a lot of publicity in the last few weeks. Levittown was right in the middle of

PUBLIC HEARING ContinuedJohn Talmage, Continued

one of the best agricultural areas of Long Island. I'm a trustee of the Agricultural Society of Queens, Nassau and Suffolk County which sponsors the Long Island Fair at Old Bethpage Village. Yes, there was agricultural in Queens County. In Nassau County there was agricultural in Manhattan. Are you saying that that should not have developed into residential and suburban development? I'm not sure you're saying that but for you to say; we're going to upzone farmland to maintain the quality of life for those of us that live in Wading River or the hamlet of Riverhead on quarter acre lots and half acre and third acre lots. If we want to preserve the lifestyle and want to have greenbelts, then the cost of that should be shared by all of the citizens of this town, not just by the owners of agricultural or open land. So we plead that fairness and cooperation with all of the groups in the town to be a part of the process. And I agree, that if this compliance moratorium goes into effect, that will be in fact, the plan that we have for the foreseeable future. That's the way I see it and I don't think that's the way to proceed. Thank you."

Supervisor Janoski, "Thank you Mr. Talmage, Mr. Lynch."

Joe Lynch, Wading River, "My name is Joe Lynch and I'm President of the Wading River Civic Association. Riverhead is presently undergoing a threat of suburban development. One can sympathize with the farmers that have their money tied up in equity in their land. The land use program must be devised to give the farmers their land value and still preserve our way of life. Programs are possible and have been demonstrated in other parts of the country. The Wading River Civic Association has traditionally supported such a plan. We urge the Town Board to adopt either a full moratorium or a compliance moratorium. in order for the farmland study area, to complete a comprehensive study that can be agreed upon by all the parties and then implemented."

Supervisor Janoski, "Thank you Joe. Gentleman sitting next to Mr. Talmage."

Blain Allen, Farm Credit, "I'm Branch Manager of the Farm Credit System on Route 58 in Riverhead. Just to give you a little background on farm credit. We're a nation wide lender. My branch is here in Riverhead and I make agricultural loans to all of Long Island which a great deal, of course, is on the North Fork and Riverhead township and it's a farmer owned cooperative. Apparently my name has been brought up in the past and there seems to be some question on how land values effect the ability of farmers to obtain credit. So I thought I'd speak to maybe give you some insight. The question seems to be, what is more important to the collateral or is it the earnings I look at as a farm lender. Well, in reality, they're both looked at along with several factors. We look at character, repayment capacity, past repayment performance, collateral and financial condition. Financial condition and collateral are both very important and land values

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PUBLIC HEARING Continued

Blain Allen, Continued

would affect both. You're looking at assets on financial statements from a farmer. Probably the biggest item on there is fixed assets, real estate values which is going to affect his net worth and the price of money that I'm going to lend or that he's going to borrow. From a collateral standpoint, certainly land valuation is very important. Anybody who walks in my office, the first thing I'm going to tell them is I'm primarily a collateral lender. The farm business is a very risky business and we've been in it since the depression in 1933. We don't have savings accounts and checking accounts. We're strictly looking at collateral loans. As a matter of fact, the Federal Land Bank which I represent, a long term mortgage lender and it has to be a first mortgage on real estate. That's the only thing we're going to take. And we're going to loan 68% of the value of that land. Mr. Talmage hit on a point of farmland preservation versus preserving open space. I'm in agreement that really upzoning of any land is not the preservation of farmland. I deal with farm families and farm businesses every day on a financial end. I see them come in business and I see them go out of business and I haven't seen one yet go out of business because of the lack of availability of land. I think the most important thing in the farm business is the ability to make a profit and that's what's going to keep farmers in business. In summary, I think that real estate values are very important in the farmers ability to obtain credit both from a collateral standpoint and from his financial condition and work himself out of difficult situations when he's in financial stress. Mostly it's moving lots or things to reduce his debt so he can become again a viable operation to service that debt that he has. The present moratorium, I have several cases. Some of these attorneys will probably also acknowledge where farmers were hurt from a three dollar potato year two years ago, need to sell land to reduce that debt and have something left. And the moratorium has kind of halted the market. I would urge the Board to carefully consider the affect of any upzoning and how that would affect real estate values as any decrease in values could limit the amount of credit available to the farmers. Thank you."

Supervisor Janoski, "Thank you." Yes ma'am." Mrs. White."

Marianne White, Riverhead, "Mr. Supervisor and Councilmen, good evening. My name is Marianne White. I reside at 134 Nadel Drive in Riverhead and I am speaking as President of the Roanoke Homes Civic Association. Our group would like to commend the members of the Board on their efforts thus far, particularly those of Mr. Prusinowski and Mr. Pike, in bringing Riverhead a new and sensible approach to planning and development. We enthusiastically endorse the proposed plan to either one; reinstate the subdivision and down zone moratoriums as is and use the time for further planning to update the zoning code and possibly adopt a new Town Master Plan. Or two; reinstate the moratorium but permit applications if they conform to the current version of the farmland preservation act with the exception of that area of the hamlet which we have suggested should be included in the Farm Village Zone. Our group firmly believes that the entire town is in great danger of becoming another

PUBLIC HEARING ContinuedMarianne White, Continued

Syosset or worse, another Smithtown. The country rural way of life we all cherish now, is slowly being destroyed. For the sake of all the town's residents, we sincerely hope that you will implement real and reasonable planning techniques; updating the town's Master Plan and reinstating the moratorium either with permissive compliance with the Farmland Preservation Act or not, would be an excellent beginning to that purpose. Thank you."

Supervisor Janoski, "I would recognize anyone wishing to be heard. Yes sir."

Edward Korus, Calverton, "I live and own land in Calverton. I have farmed and conducted a business there for many years. I have served as President of the Greater Calverton Civic Association a number of years ago and I am now reminded of the previous situation faced by our community when the Navy aircraft plant in Calverton felt it needed several thousand additional acres as a buffer zone to prevent residential development around the Calverton Aircraft facility. It sought to buy easements or purchase the land outright. They eventually backed down in the face of community opposition. The major difference between that attempt and this plan, both the moratorium and the previously presented plan, is that the Navy intended to pay for what they took. Whereas this plan provides for outright destruction of property values in the area without compensation. In effect, stealing the equity the owners have in the land. Taking without paying, is stealing. The designation of the land on the extreme left, that yellow area immediately adjacent to the Grumman facility that is designated as residential, is what I refer to next. This land being designated as residential, is somewhat ludicrous. In that, the Navy's rationale in acquiring the buffer zone was to prevent residential development immediately surrounding the Grumman facility. Any of those who proposed this designation, ever spent any time in that area and have heard the roar of the jets or the static testing of engines at all hours, the sound and vibrations of these tests if measured on the rictor scale, (no doubt) would be equal to that of a moderate earthquake level. Who in their right mind would consider building a home under these conditions? The area was originally zoned industrial. A portion has been developed as an industrial park as is designated on this map; with United Parcel Service, Grumman and other industrial tenants. And it's my understanding this park is, at present, being expanded. An examination of the taxrolls will reveal that large industrial corporations through subsidiaries or affiliates, have been and continue to acquire land in the area of the Navy plant with an eye toward industrial development. Under this set of circumstances, one can be led to conclude from these facts, that we have somewhat the possibility here the earmarks of an attempt at a land grab by some large speculators. It's not an act of paranoia. It does appear as if, by perpetuating this approach of removing the equity from the land, they're putting the land owners in a bad position where they may be forced to sell their land below its actual value and thereby, be cheated of the full value of their land. I would strongly recommend that these moratoriums

PUBLIC HEARING ContinuedEdward Korus, Continued

not be reinstated and that the original zoning plan of the town be carried forward. Thank you."

Supervisor Janoski, "Thank you. Arthur."

Arthur DiPietro, Attorney, "Mr. Supervisor, members of the Town Board. My name is Arthur DiPietro. I'm an attorney. I have an office here in Riverhead. The name of my firm is McNulty, DiPietro and Speiss and I represent tonight, Mr. Herbert Phillips and other owners of a parcel of land on Church Lane in Aquebogue that is presently pending before the Planning Board and is known as the subdivision application of Fox Meadows. Ironically, within the past two weeks, Mr. Phillips, with the assistance of Howard Young (the surveyor and engineer) received sketch plan approval for this subdivision on the basis of a one acre standard plan layout. While your Board, through its advisors, is considering various options and alternatives with regard to a rezoning analysis of this town, there was specific input on that subdivision with regard to the character of the community, appropriate use of the particular piece of land within its own borders, not looking at the horizons, looking at this piece of land, the way the ownership was, the way it set with other parcels of land and what was appropriate. The finding of appropriateness was consistent with the finding that the world would not come to an end if this piece of land were developed as a standard one acre subdivision. Meanwhile, there's another agency or group or task force; like one hand not knowing what the other is doing, that is devising a plan such as we see before us which proposes that this very same parcel of land be designated for ten acre farmland. And if I think I understand Mr. Hanley right, as a possible donor TDR parcel. And why is it being designated that way? Because this parcel and its owners have the distinct privilege of fortuitously being next to other owners who were allowed to sell their development rights in the past on a one acre yield basis. Somehow, I don't know if I can articulate it all tonight, that just doesn't smell right to me. There's another thing that bothers me. Mr. Klein alluded to it generally. I'd like to get more specific. You're in the process of preparing a generic impact statement which is an essential planning tool and a legal pre-requisite under SEQRA for any kind of a zoning change. You're doing this while proposing a moratorium, this specific moratorium that has a safety valve for applicants who are willing to knuckle under and submit plans as to what might be rather than what is. And my question is; how can you, as the legislative authority of this town, determine what might be without the planning tools you need to consider the options and alternatives. I've been a municipal attorney both on the village level and the town level and I have found in my opinion based on my experience, that moratoria do a disservice to the municipality because they create a static and sterile atmosphere and there's no way for your planners and your consultants to see what's really happening in the real world without the dynamics of development. And all the horses aren't going to be out of the barn and you're not going to destroy this town if you let the dynamic planning process continue while you are, in a reasonable way, considering legislation that might make it better. I ask you not to adopt a new moratorium. I ask

PUBLIC HEARING ContinuedArthur DiPietro, Continued

you to honor well meaning people, whether they are developers, farmers, single lot owners, two lot owners that may have to spin one off for retirement money, honor the needs of those people. Not just the developers and the sellers but the needs of the people who are going to be buying their product rather than cut a two year history out of the development of Riverhead. There's not going to be a brave new world and a perfect world after this moratorium. And I think you'll lock yourself into a foregone conclusion by staying with the moratorium. Thank you."

Supervisor Janoski, "Thank you. Is there anyone else wishing to be heard? Peter."

Peter Danowski, "Again, remarking about the one gentleman (Mr. Korus) who mentioned the Calverton area, I recognize the ACUZ Study and he didn't mention it by name. But basically, this town has in the past, relied upon that study to defeat residential development. And we're now suggesting, that in fact, we should have residences near to the Grumman facility. As far as I'm concerned, the ACUZ Study is still in existence. We're going to still have to deal with it before the Planning Board. And as a person representing at least one possible industrial plan that is pending before the Planning Board and has been pending for almost a year. I would suggest that you leave it industrial and you can not make it residential. It's also curious to me how you continue to list everything residential right along the Main Road. At least when we looked at previous zoning maps, we've seen at least the first 500 foot setback reserved for something other than housing. The average person that wants to buy a house, I don't think wants to necessarily live on the Main Road and I could share some of the concerns about what should appear on the streets and perhaps we should build back a thousand feet or two thousand feet so you can't see anything along the roadways. But to suggest that we should leave it residential right to the edge of the street on the Main Road, whether it be in Aquebogue or whether it be in Calverton. I don't think it's really being realistic as to what you want or desire on the Main Road. So I have one client, Garell Realty, that has a pending application in Calverton. The application has been sitting before the Planning Board for approximately one year. We have come in with various sketch plans. We have had lead agency determined. We have even put a two acre voluntary plan before that Board. It wasn't at one acre. And now you're suggesting to us that you're going to change us to residential. We certainly would oppose that particular type of rezone. I have mentioned, I'm looking up there at...."

Supervisor Janoski, "Peter, we're talking about the plan. Are you still opposed to the moratorium?"

Peter Danowski, "Absolutely. But you're already telling this to the people here that's not just a moratorium. One of the aspects is coupled with this plan. And I think whether it's Rick or someone else, you have to have some discussion about the ACUZ Study, what it's going to mean. Does two acre or ten acre just mean that? Are you talking about some further conditions on that? I think we should address those issues as well."

PUBLIC HEARING Continued

Supervisor Janoski, "It's one of the alternatives which is proposed here this evening is planning compliance. And based upon what we hear tonight and other information, the Town Board will have to make a decision as to what to do or not to do."

Allen Smith, Attorney, "Good evening gentlemen. My name is Allen Smith. I will focus on this compliance thing. It is my professional judgment as having practiced municipal law for the last twenty years and in particular, most of it with reference to the zoning codes of the Town of Riverhead, that what you proposed is unqualifiedly unconstitutional. It doesn't work. This lawyer will not recommend to anyone that they pursue that particular avenue of approach for the simple reason that the investor or the owner is put to the risk of experiencing what has happened here in the last nine months. There is no insurance that he will not or she will not experience the same degree of vasilation, indecision and with no resolution at the tail end of the process. You can not say with a straight face, today, that this will be enacted or what will be enacted. Past experience does not dictate it. I would submit to you that investors who have the capacity to spend the money on class developments which we need in this community, will not take that risk. I know the banks will not. The TDR information that I have been given is unworkable. As you know, I have the only two clients so far, that have ventured into these waters in this community. I have explained to each of you why it does not work. I do not understand why those of us; Mr. Klein, myself and the other attorneys, who have attempted to respond to your earlier admonitions to participate, why what we say is ignored. Mr. Pike, you can not have an easement in growth. It is basic law school stuff. None of the major title companies in this community will insure that interest. I welcome any of you to call any one of the title companies that you wish and speak to the attorneys that cast on such things. You've again, coupled these proposals with forms. I will tell you from my experience with Entenmann. And with that particular transaction, you may not use any form other than the Suffolk County form. If you use one word different, they won't take it. Concentration on those forms was a waste of time the first time I stepped to the microphone and said it and it's just as much a waste of time reading them yet a second time. There is a provision in here that you're going to tax these development rights in the abstract. Somebody comes in and buys them. Leahe can't insure them. In "B", I've looked through the tax code and I don't see how you're going to tax them. Unless I missed something, I don't think the State Legislature has given you guys the power to tax in the abstract and there is no enabling legislation to allow you to do what you propose you to do. In the light of that, why don't you tell these farmers the truth which is that this entire thing as you have structured on TDR is meaningless. And I've told you all over and over again, if you drive the land cost per unit up to the extent that the developer can not make a profit on what he intends to do, you can weave all the fancy language you want into the system, it won't work. If you zone the basic areas that we can still do these things on which are up along the Sound, the ten parcels (again) you can color that map all you want. There are only ten parcels. You can take all the rest of the brown off of

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PUBLIC HEARING Continued

Allen Smith, Continued

there. It's meaningless. Leave it two acre like you proposed it and enact this compliance thing and it will not work. Now, in closing things, the farmers, the lawyers and the owners of this community, even the civic groups, keep coming and brought forward over and over again to address things that are not well thought out. Maybe the zoning code that we have in the Town of Riverhead before this moratorium stuff started wasn't perfect but it had a certain consistency to it that developed over a period of time. In truth, we have no zoning code at the moment. And I submit to you, that what we had, was better than what we've had for the last nine months. And you are proposing to give us more of the same. You are asking me to testify as to whether or not I want a new moratorium or I want a compliance moratorium or whatever. I say to you as I've said to you repeatedly, repeal your moratoriums. If you're going to rezone something, rezone it but repeal your moratoriums. They don't make sense, they're hurting this community and they're hurting the people in the community. You can't hype yourself by the boot straps. You create a moratorium and then you flop around in this stuff. It's just not fair, it's not right. It's not good planning and it isn't working. Thank you."

Supervisor Janoski, "Allen, before you sit down, for the benefit of those who may not understand what you mean by hurting the community, would you expand on that. Because there are a number of people who's livelihood don't depend on the certain things happening in this town and they don't see that particular aspect of it."

Allen Smith, "I can only give it to you historically. And Mr. Talmage, Mr. Wulforst and some of the other gentlemen who have lived here longer than I, may be able to say it better than I. But say twenty years ago when Mr. Lerner came out and bought the Goodale Farms and some of that other property, we had a peak. We had a hot time. And somehow, we never capitalized on the interest that the Lerner's and other had in this particular community and we didn't expand our tax base. We didn't create a balance in the community at that time. We have another hot economy. What I have said to you collectively and severally, is that you have Mr. Danowski's client, Mr. McNamara who is willing to spend money in this community and do things. He has demonstrated that he can do it in Port Jefferson. There is an opportunity there. It should be capitalized upon. I'm not saying that ever piece of property in this community is suitable for a luxury condominium. It's just not true. But certainly there are some parcels where such a use makes sense. There are investors that are interested in doing densities where people might be able to afford a home. But when you do what you're doing, capital and people who are interested in doing things for the community, just are not interested in coming here. Why waste your money? Why not go spend your money some place else? It doesn't make much sense to me."

Supervisor Janoski, "Thank you Allen."

PUBLIC HEARING Continued

Paul Baker, "I spoke before as a representative of a Civic Group. I'd like to speak, if I could, as a private citizen of this community. I hear the word investment used. I hear the words expanding tax bases. I hear words like depreciating value. When I came to this town and I am certainly not have been here as long as Mr. Smith has been here and I am sure I am not as knowledgeable as Mr. Smith. However, I made an investment when I bought my home and I came here and that investment, right now, represents my life, my life savings. And as far as I'm concerned, it has to be protected. I hear people come up here and talk about we should allow natural selection to happen. We should allow things to just develop. Well, Wading River recently came to a moratorium, I guess probably five or six months after you people here in Riverhead did. And I'd like to tell you what happened in that short amount of time. When we first talked about intelligent planning in Wading River, we talked about 30 to 35 percent of undeveloped land and we wanted to be sensitive to our neighbor farmers and everybody else. So we sat down and started talking and then things started happening. And as it stood up to a few weeks ago, there were approximately 1,000 homes planned on a mile strip of Sound Avenue from the corner of Sound Avenue and Route 25A to the corner of Fresh Pond Avenue in Calverton. When we asked the question; why they wanted a thousand homes, people said you don't understand. This development only has four hundred. Well, what about the one next to it that's got three hundred? Well, that's different. And the one down the road with four hundred, well, that's different also. And then we open our newspapers and read about the school district right now and they're very concerned about over population of our schools. And we ask the question, who is going to pay for those two new schools that are projected right now? Probably they'll expand the tax base which traditionally has been the homeowners of this town and that's our expanded tax base. They've taken it on the chin for a great many years but maybe we could take it on the chin for expanded schools. And then we talk about public water that's needed. Well, that's a wonderful concept and a great idea but we wonder who is going to pay for that. We don't wonder anymore. We pretty much know who is going to pay for that. And then we try to access the roads to bring our children back and forth to the schools for after school activities and so forth and we find that we can no longer travel along Sound Avenue because it's kind of impacted right now but that's before the thousand homes are up. When we ask who is going to pay for expanded roads, sort of the same answer is given. Well, my parting comment (I guess) is simply this. I have an investment right now and I'm getting kind of scared about whether my investment is going to be worth anything in a couple of years. Because when my taxes get done paying for water, for schools, and all of the above, I wonder who is going to be able to afford to live in my house. We need law at this point. The only hope that the average citizen has in the entire United States is their government to pass and implement a law to protect the people. Naturally selection is a wonderful thing. I don't believe it has a place in this process here. Without a moratorium, you are hanging people in Riverhead out to dry like the people in Wading River are. We have a great problem. We have to address it. Thank you very much."

PUBLIC HEARING Continued

Supervisor Janoski, "Mr. Baker, could I ask you one question because I'm a little confused. Are you opposed to bringing public water to Wildwood?"

Paul Baker, "Am I opposed to it? I'm not opposed to it. I'm opposed to paying top dollar for it but I'm not opposed to it. No. I have to unfortunately, now. I can't drink my water."

Supervisor Janoski, "Howie."

Howard Young, Surveyor, "I don't know what I'm going to say tonight. I don't think there's enough valium in the world to keep my calmed down. A couple of things that were just said, I think, have cause me to speak. I'm not going to speak as a land surveyor or as having a lot of clients here. I think the farmers are well protected and most of my clients seem to be well protected by attorneys. I'd like to mention and comment on the one thing that Mr. Talmage said. I've always been willing as a resident and businessman of Riverhead, to pay my way, not like the previous speaker. If we have to have open space, I'm willing to pay for it. If we have to have recreational facilities, I'm willing to pay for it. Let me tell a little story about what happened to me today. I went out to one of my job sites and visited with a field crew. We were discussing what was happening to Riverhead. One of them is a single man with a girlfriend thinking about marriage and he's been thinking about where he might live and he knows he can't live in Riverhead and he knows he can't live on Long Island because of zoning and what's happening. I'm staking out some half acre lots in Laurel to build some roads there and the lots are valued at (a half acre) 68 thousand dollars and going up. And I'm wondering where people are going to live that work for me and work for most of these people. Unless you address this zoning as an overall thing and not as a piece meal like this with save the farmers. I think we should get off the moratorium, get back to building the community. Study these things. Let's address where the blue collar guy is going to work, where those guys are going to work that want to live here and want to enjoy this community and they're willing to pay but they can't afford to pay for it at two acre, five acre or ten acre zoning. And when you upzone this land, you drive the price up of those half acre lots or the quarter lots just out of reach of anybody. And so I think you really ought to give a little thought to the blue collar guy or the guy who works down here in the shoe store or a car salesman. Thank you."

Supervisor Janoski, "Thank you Howie."

Charles Edwards, Calverton, "As far back as I can find, the Edwards family has lived there since 1780 in this area. Now, I happen to be one of the lucky ones, ten acre zoning. My neighbor in back of me, he saw fit or best for him to go with the County development rights. So he went. That has nothing to do with me and it never did. Maybe he has had two or three wives. Should I go get them? That's his business. Ok. Ten acre zoning, TDR's; that means I have two choices. If my children or my grandchildren would like to build on a farm as I did, my parents gave me half an acre and I built a home. Now I have two choices; give

PUBLIC HEARING ContinuedCharles Edwards, Continued

them ten acres which, within about 6 or 7 building lots, I'm out of business. Or the second, I can sell TDR's. Can anybody tell me what a TDR is worth? I get 8 TDR's per ten acres. Then I sell my 8 TDR's, I can go fifty foot across Edwards Avenue and pay 87 thousand five hundred for a building lot. Now, does that make sense? I don't think so. I think you folks, as we say in the farming field, you throw the manure out in the back of the barn, leave it in a heap and it doesn't smell. But you get in and stir it up, it smells quite a bit. And I think you fellows are up to your neck. So I think that for everybody's good, we'll go back to the other zoning the way it was."

Supervisor Janoski, "Mr. Edwards, just one quick question. Are you opposed to the moratorium?"

Charles Edwards, "I certainly am."

Supervisor Janoski, "I just want to get that on the record. Thank you."

Charles Edwards, "And I'm opposed to ten acres. My children and my grandchildren might want to live on the farm where they were raised."

Supervisor Janoski, "I understand. Is there anyone else who wishes to be heard? Way in the back."

Fay Anderson, Riverhead, "That's a hard act to follow. We also have a piece which is zoned for ten acres. And I was listening to the man from the Civic Association talk about the value of his home and I'd like to tell you about the value of our farmland. It's been a family farm; Richie's folks before us. His mother is still helping us out in the farm. She's 76 years old. My children work on the farm. We invested the money in the land because we had to have the land in order to farm. We weren't guaranteed that we would have farmland if we rented because we didn't know from one year to the next if the land was still there or not. So we were in over our heads but we went ahead and we bought the land. And when you go in over your head like that, you work day and night, Saturdays, Sundays, holidays, it makes no difference. We don't know sick days or holidays or whatever. My children have also done the same and they worked with us all along. And one of my big questions; if you want to preserve farming, you have to preserve the farmer, where are the future farmers going to come from? Because how are you going to tell these kids put everything you have in a farmland when somebody's going to turn around and zone it two acres and take half the equity away or zone it ten acres and not even let my own children build homes on their own farm. So why should they do it? They're seeing right now what's happening to their parents. We come off the year with two dollar potatoes and in over our heads and tried to work it out. And all every article, magazine, newspaper, t.v., articles with everything on stress. And let me tell you, what this Town Board has done to this farming community, would stress. You better start some meetings on stress instead of what you're doing with farmland preservation. I would also like to mention, I talked about family farm and what we did and

PUBLIC HEARING ContinuedFay Anderson, Continued

the way we worked. And I don't know if these people realize what these family farms have done and what the wives and the children and all have done. They worked with their kids in the field, took all of them with him and went to work with them. We've lived in ways that most of the people in the public would not live. We had people say; no, it's Sunday afternoon, we're going to a barbecue. Well, we're working and this was my children and my husband and it has been that way with other farm families through the years. And when I see this happening and I see ten acre zoning sitting in a place which we purposely bought the land figuring if we couldn't handle the mortgage, we could sell a lot or two and pull ourselves out. And I take one look at that map or even the rest of the land which is zoned two acre, half acre lots are selling for what one acre lots are selling for. The farmer is not going to get double the price for two acre lots. And can't even afford to give his children land to live on. And I heard a lot about what's happening in Easthampton, Southampton, Southold. Every paper I come along, they've done it. But I've also had people tell me they wanted to give their kids a half acre lot to live on and they can't even do it because the kids could not pay the taxes on that half acre lot because of their zoning regulations with the 75% or something. So the half acre lots they have slated for their child to have a house on someday, they said if they gave it to them they couldn't even pay the taxes on it because it has to absorb all of the taxes from the rest of the 75%. So just because they're doing it, doesn't make it right. And I see this alternate program you have or this planned compliance, whatever you want to call it. If that isn't an upzoning, you tell me what isn't? We have land today that's zoned one acre and tomorrow we need ten acre zoning on it, that's not upzoning? I'm sorry. I can't see that any other way. And I also think that if this town really looked into this, you could do with one acre zoning in this town. Even the map that has ten acre zoning, St. Isidore's Cemetery is even there. That isn't even shown. I haven't seen one map yet that's been accurate. I haven't seen one figure on population that's been accurate with what we're doing. And I really think that if you stop this moratorium and let it run out, go to one acre zoning throughout the whole town, so there's no down zoning at all, I think you could handle it. And I hear people talk about the rises in taxes on homes and all that. The other places up west, they have high taxes. They still have their home equity and all that is going up and up and up. It's not stopping anybody from buying homes up there. And they're building their schools and they're doing it. And I don't want to see a Levittown. If you go with one acre zoning, you won't have a Levittown."

Supervisor Janoski, "Once again, this is not a hearing on a proposal and I can tell you that there are some members of the Board were not crazy about many aspects of this proposal. This is a hearing on the extension of the moratorium, the two proposals or doing nothing."

PUBLIC HEARING Continued

Cyril Wulforst, Baiting Hollow, "I'm going to talk on what the rest of the families are talking on. That we have quite some land in Baiting Hollow and we have (I don't know) to take a rough figure, at least forty neighbors and I would like to see our neighbor have the same size plot as I would have to use if I wanted to build a house. So in other words, with all the land that we have, I can not find an ideal spot to put up this so called large acreage and all my neighbors live on a smaller plot. I also would like this before I vote on something, I would make sure that I had what I was asking for. If you're asking for more than a half acre, then you live on it. Don't tell other people how to live. Now, I'll give my neighbor the privilege of making his property the same size as he's asking for zoning. And all he has to come is ask about it and I would sell it to him. So with that, that is my feeling and I think I deserve some consideration for the simple reason, we worked hard for what we got and the last couple of years were tough. So I would like to go back to what it was and if we could sell stuff, I would go along with it. We have one piece of land that we bought, some rough land that came with it back years back. And it happens to join the Country Club. I would have liked to have sold that thirty years ago and there is always something wrong. Either the town won't let us build on the road. We even put a road in years ago and paid for it. It was Warner's Drive. And we've held that for twenty, twenty-five years and there's always some kind of restriction coming up. So I would suggest that you go back to the old story again. Don't tell other people what to do unless you do it yourself."

Supervisor Janoski, "Mary Beth."

Mary Beth Andresen, Aquebogue, "I wish had an overlay of the existing zones as they are right now and could lay it over this new proposal because I really feel that if you're truly trying to preserve agricultural preservation, this is a very odd way to do it because many of the lands are now in agricultural, will be changed to residential with the way this map is. It does not represent an agricultural preservation regardless of the pending and continuing moratorium. Because in fact, many agricultural zoned parcels of today, on this map, will be eliminated and changed to residential. On a very small scale, my family and I maintain a livelihood within the agri-business. My husband is a large animal veterinarian. And in addition to taking care of horses, we take care of many cows and many pigs said to reside on two acre, one acre, four acre parcels. And these would be eliminated with all one acre residential because of a change in zone the way it will be. I mean, we have seven acres in my family and we have a very nice rural agricultural livelihood and we raise sheep and goats and my kids show them at the Long Island Fair in Bethpage. They made eleven hundred dollars this weekend showing our animals there. That's a very nice little agri-business. People are moving in. However, I and four other people who have more than three acres on Church Lane and are maintaining a rural atmosphere, will be pushed into a one acre zone the way this map is led to believe. So at this point, I don't believe what you're going for is a preservation of agricultural. I feel that there is a problem that

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PUBLIC HEARING Continued

Mary Beth Andresen, Continued

is confronting us. And by using that term, as John Talmage alluded to before, you're hoping to call it that when we indeed know we need some space situations. But by zoning everybody differently or changing it, I don't think that's the way to go."

Supervisor Janoski, "How do you feel about the moratorium extension?"

Mary Beth Andresen, "I don't agree with it right now."

Supervisor Janoski, "Thank you very much. Is there anyone else present wishing to be heard? Bill Talmage."

Bill Talmage, Riverhead, "I'm a farmer from Riverhead. My concerns, I think what I really wanted to speak to was plead for common sense in consideration of the compliance moratorium. When you look at this map, all the yellow, brown, dark brown, green areas (I mean orange areas) are essentially upzoned and that's really what it is. Because when you put this into effect, you've got an upzone into effect as far as the market is concerned. We have to be concerned about equity as farmers. The fact that you may be able to transfer TDR's out, really can't be considered when computing loans. And if you're moved into the yellow section where you have to apply for the ability to be able to transfer those TDR's out, then they can't consider it all. Even if some day, TDR's had a recognizable market value. But right away, you have an upzone and your equity would be hurt. But common sense would dictate. If that much land was upzoned in Riverhead Town, that the value can not be as good as it would have been without the upzone. And I think anybody who looks at that map with all that area, can really see that. Also, I think a compliance moratorium would really undermine a lot of what we're trying to do with the Planning Board Task Force. Because the farmers represented there, would be in effect, trying to undo something. And almost the burden of proof would have shifted to the farmers to show what's wrong with what is in place already and I think it would really send a strong message as far as what could really be effected by the Task Force. And I think the odds of going back to one acre after a compliance moratorium went through, are very poor. Also, Mr. Smith talked about it a little bit. But if you upzone the receiving area just to two acres, you can make development there impractical. If you do make development in that area impractical and the purchase of TDR's, the farmers can be hurt because now there's nobody who wants to buy the TDR's. You have to make those TDR's desirable. From what the whole plan has been, you're trying to get development into the area and then you upzone it and make it impractical or more impractical thereby driving down the value of those TDR's to the farmers who would want to sell them. One of the goals of the Suffolk County farmland program and one of the things that they were very concerned about when they put it in, was that one person going into the Suffolk County program wouldn't hurt his neighbor. We were the first

PUBLIC HEARING ContinuedBill Talmage, Continued

farm to become involved with the Suffolk County Farmland Program. Had we known what we possibly may be doing to Charlie Jarzombek, our neighbor with this plan, maybe we wouldn't have done it. We sure would have thought hard about the plight we'd be putting Charlie in to where we force him into a ten acre situation or a five acre situation upzone. And so, where the county was so careful not to have one farmer hurting his neighbor, here the town is putting that neighbor where he just happens to be sitting next to somebody who went into the county program. They're putting him into a very bad situation where his only chance is to sell TDR's. And yet, you're upzoning the receiving and making those TDR's (maybe or maybe not) impractical or prohibited even. So that's basically what I'm concerned with is just the compliance moratorium and absolutely and deathly afraid of. And I don't like the moratorium at all. Through all of the work that we've done, I've been convinced that the TDR's and the present zoning would work very well. It would be very well accepted and we could get a workable plan in place. But without changing the zoning and hurting the farmers so badly through his equity. Also, I think this map is very misleading because we really do need a map that shows all the tremendous areas that are already preserved."

Councilman Prusinowski, "We're getting that prepared."

Bill Talmage, "Because to have this up in front of all these people and they see these colors, it really doesn't show that there's an awful lot of Riverhead Town that already is preserved. And then on top of that, there's an awful lot of Riverhead Town, especially the majority of the farmland that is in one of the ag-districts or one of the individual commitment plans which is not easy to get out of. It involves a big penalty and it certainly all is not going to happen over night."

Supervisor Janoski, "Thank you Bill. Is there anyone else present who wishes to address the Board?"

Charles Wood, Wading River, "Good evening. It's kind of interesting. Things don't always turn out the way you think they would. My mom had a nine acre piece in Wading River and had to go in a nursing home and my brother and I sold off three of the lots and there is one five acre lot left. It's time now to get some more money and we can't subdivide it because there's a moratorium on major subdivisions and there's a lot just sticking out there on the road that we just draw a straight line and you sell it. You can't. In the interim, something interesting. I bought six acres of land in Wading River and divided it into three two acre lots and the surveyor did this. I advertised it and I got about fifty phone calls. And every single phone call asked me if they bought the two acre lot, could they subdivide it. I said no, no. You know, I want two acre lots in this six acre parcel. This is the way I wanted it. And very soon it came to the opinion that nobody wanted the two acre lots. And there was also problems with developing the property with the water. There's now public water in the area there. And the property was subdivided previously. The six acre piece I bought was part of a thirteen acre

PUBLIC HEARING ContinuedCharles Wood, Continued

piece which was split; one acre piece, one six acre piece and another six acre piece. So it's already been subdivided. So I can't subdivide that property into two acre pieces or one acre pieces because of the moratorium. And the piece I'm living on right now, that can't be subdivided down into one acre pieces because of the moratorium. Maybe in the long run the way things are going to turn out is this property is going to be worth a triple what it is now with properties escalating in price the way it is. I think I should just sit down and shut up. It's sort of ridiculous that you're locked in here and there must be other people too that just can't sell a little piece of their property off because of the moratorium that's in place. The other crazy thing was selling of those three lots. They cost ten dollars per lot to have subdivided. And now to subdivide off a lot if somebody wants to give a piece of property to their kid or three kids, they have to spend two thousand dollars per lot for a surveyor to draw a couple of straight lines. I've always been in favor of preserving things the way they are. But the moratorium at the moment, it wasn't the way I expected it and I have to speak against it. Thank you."

Supervisor Janoski, "Eddie."

Edwin Tuccio, Real Estate Broker, "One of the problems I can see with this problem living on a farm, the transfer of development rights to an area...."

Supervisor Janoski, "Ed, I want to hear what you see as the problem with the moratorium. We are not having a public hearing on the plan. The Planning Board has not even made a recommendation to the Town Board yet."

Edwin Tuccio, "So this might enlighten you a little bit."

Councilman Pike, "Let him speak will you."

Supervisor Janoski, "Go right ahead. What do I care."

Edwin Tuccio, "Are you already enlightened? When you speak on farmland and upzoning to ten acres, one of the basic problems is when most of this farmland is in agricultural district, if a farmer wanted to take some of that land out of the agricultural district to transfer the development rights, he would have to take large blocks out. Because the penalty for taking small blocks out is a penalty on the whole piece and that would be a substantial tax penalty among all the other things that are wrong. And you're really, by continuing the moratorium, I think the taxpayers of Riverhead really face the danger of being sued for loss of the value. That's all I want to say."

Supervisor Janoski, "Is there anyone else who wishes to be heard on this subject of the extension of the moratorium?"

PUBLIC HEARING Continued

George Schmelzer, "I might as well say something. A moratorium, I think we should call it a moseleum. That's what it really is. Like several years ago you hired one of these planners of H2M and it seems they can draw lines on a piece of paper but they can't tie their own shoelaces. Because after several years, they say the plan is no good. Then what the he-- did you adopt it in the first place if it was no good. Every few years we come across a new plan. That means none of them are any good. If people would get accustomed to a plan, they're guided by it. They're trying to make business and personal decisions by it and all of a sudden you come along with a moseleum again. You call it moratorium. Then you come along with some Master Plan, Brookhaven has got one too already designed and I call it a mistress plan. So this is getting really crazy. Maybe the thing you should do is abolish zoning all together and leave people alone to run their own lives. Because it's truly sad sometimes about politicians. Half of them can't run their own business and the other half can't run their own lives so they try to run everybody else's lives."

Ann Miloski, Calverton, "I would just like to go on record as saying that we should eliminate this moratorium and that I feel that our original zoning map is very good with just small revisions. I think the acre zoning is very compatible."

Larry Ferraino, Wading River, "I think one of the things that's wrong with this moratorium is the plan that's behind the moratorium. Perhaps this aim for what seems to me, is upzoning everything from one acre to two acre by the time it's all averaged out. Perhaps two acres is too big of a bite. Maybe what you should be aiming at is 1.3 acres or an acre and a quarter. Something that is liveable for both the residential person in Riverhead and something that farmers can swallow someday when they go to break up their land. Thank you."

Supervisor Janoski, "Thank you. Way in the back."

Rick Searles, Wading River, "I'd just like to make a statement to the fact that I think the moratorium should be lifted. I think one of the problems I have with the moratorium is that Long Island seems to go through good times and bad times. I was here through the last run of good times in the late 60's, early 70's. Then the bottom fell out of Long Island and everyone was wondering if it was going to survive or it wasn't going to survive. And it seems as though as everybody just sat back and said; well, we'll worry about survival when it comes back. The thing that I see at this stage of the game, Wading River, Riverhead, is time to grow. It's not time to put the growth off until we hit bad times again and everybody says; what are we going to do. There's no jobs here. There's no development. There's no growth. We had plenty of time to plan for Riverhead. We've seen the mistakes made west of us. Hopefully we're going to learn from those mistakes. I think we can put some comprehensive projects and proposals together today. Lift the moratorium. Let Riverhead grow. It's time now. Not ten years from now. Thank you."

PUBLIC HEARING Continued

Supervisor Janoski, "Thank you." Lyle. Way in the back there. The lighting, I can't see who you are."

Lyle Wells, Aquebogue, "The last gentleman just spoke of ups and downs in the development in the Town of Riverhead. We also see that in the agricultural. Many of their own houses because of the downs in agricultural. I would like to speak personally against extending the moratorium either in planned compliance or as it exists now. I will speak that way as an individual and also as chairman of a local affairs committee from the Farm Bureau. I guess that's about all I have to say other than that we feel that the planned compliance moratorium is putting the cart before the horse. Thank you."

Supervisor Janoski, "Thank you. Is there anyone else who wishes to address the Board? Betty Brown."

Betty Brown, Director N.F.E.C., "Fortunately, after many months, our town decision makers together with a task force of community members have begun to deal with the very difficult decisions of planning the future. Unfortunately, we find now we are out of time. In an effort to review everything aside from extending the moratorium, we are faced with no moratorium, back to down zoning perhaps and no plan or design to rearrange development to better guide the growth that Riverhead is now facing. Overdevelopment concerns would surface again to be sure and the residents and farmers would be asked again to accept more zone changes. Too late of course and the possibilities for success undermined. A compliance moratorium has been suggested as a feasible alternative. We have reservations concerning such a proposal as it may limit or set a precedent or exclude creative alternatives and the proper review necessary. We do not favor this method to meet the challenge of our future needs. The only option that you've left us is extending the moratorium. We resent being backed into a corner and to have to ask for an extension of time for this Board to do the task they set out to do six months ago and have not achieved yet. We share the concerns of the farmers and the applicants caught in the middle of a process. But also recognize the efforts of developers and their representatives as not having the best interests of Riverhead in mind. I submit to you that the future generations of Riverhead are our responsibility. Drinking water is our responsibility and the sensible planning of our community is our responsibility. We all have said in some way or another that the plan stinks. But from what I've heard, everyone's quitting. I represent people that want sensible responsible growth, not no growth. Our members are not quitting. We would like to see an extension of the moratorium to get this plan to be what it should be. Thank you."

Supervisor Janoski, "Is there anyone else who wishes to be heard? That being the case and without objection, I declare the hearing closed. We are going to take a recess until 9:30 p.m. at which time we will open the public hearing on the southwest quadrant and the three zones that have been proposed there as well as... We'll deal with that first."

PUBLIC HEARING Continued

7:30 PUBLIC HEARINGS CLOSED AT 9:16

TOWN BOARD MEETING RECESSED AT 9:16

TOWN BOARD MEETING RECONVENED AT 9:45

Supervisor Janoski, "The meeting will return to order. The next several public hearings are actually related and they work in a series. They are addressing the southwest quadrant of the town. There are a number of new zones which are proposed and then a further public hearing is the actual implementation of those zones on the property. Why don't we read the notices of public hearing."

PUBLIC HEARING - 7:45 p.m.

I have affidavits of publication and posting for public hearings to be held at Riverhead Town Hall on Tuesday, October 13, 1987 to hear all interested persons who wish to be heard regarding: The Rezoning Map for the Southwest Section; Addition of Article XXX, "Defense Institution District" to the Town Code; Addition to Definitions to Section 108-3 of the Town Code; Adding Article XXXI, "Open Space Conservation District" to the Town Code.

Supervisor Janoski, "Mr. Hanley, would you explain the new zoning and point out on the map where we're talking about implementation."

Richard Hanley, "Yes sir. This hearing relates to a motion of the Riverhead Town Board to amend both the zoning map of the Town of Riverhead as well as the zoning code of the Town of Riverhead for lands within an area known locally as the Southwest Sector. The existing zoning in this area, to back track a little bit, the Southwest Sector of those properties in and around the Grumman Naval Weapons Testing Facility; the existing zoning in this area is predominantly either industrial "A" or industrial "B". Approximately 82 hundred acres of industrial land exists here. The balance of the total acreage which is about 9 thousand acres is presently in agricultural "A". An analysis of the amount of industrially zoned property in the Southwest Sector indicates that the town has approximately twice as much industrially zoned property as the entire County of Nassau. It was clear from in house planning studies that the amount of industrially zoned properties as well as its location was inappropriate. The characteristics of the property in which most of this industrially zoned property lies are not appropriate for industry because of groundwater concerns and surface water concerns as well as natural features in the area. In doing the planning work for this area of the community, we were able to include in our recommendations, some of the work that's already been done by regional agencies relative to land management in these areas. These include the land use recommendations of the 208 Study. They include the restrictions of industrial development according to Article VII of the Suffolk County Health Code. It includes the New York State Wild Scenic and Recreational Rivers Program and the pending legislation as well as some of the land use concerns of the Suffolk

PUBLIC HEARINGS ContinuedRichard Hanley, Continued

County Pine Barrens Commission. Our approach was one of doing an initial plan use study of the area. And what we found was that for the most part, approximately 8 thousand acres of this area is either held publicly in county land or federal land. The balance of the one thousand acres is privately held. Looking at that land use map, we then began to put together what we felt were appropriate new zoning designations for the area to try to remove the industrial zoning that is presently there. Essentially our recommendations for. It includes the amendment of the zoning code for three new zones as well as the imposition of residence "A" district within the area. I'll take the largest area first. What you see in the cross-hatched purple is what we call the "Defense Institutional Zone". All of those properties are presently held by the United States Government, U.S.A. The idea of the defense institutional zone is to recognize the regional importance of the Naval Weapons Facility that exists in the area and to restrict development on those sites, on those parcels that are not customary and appropriate for those uses. The exact permitted uses that are provided by the defense institutional zone include; agricultural, national cemetery, and the naval weapons testing facility as permitted uses. All of the uses are special permit which include; airport and utilities. Every application for development within this zone would require a site plan approval by the Riverhead Town Board. The second area that you see in the green is a new zone as well. It's the "Open Space Conservation" District. That district essentially includes all of the Suffolk County parcels and a number of privately held parcels that are in the Wild, Scenic, Recreational Rivers Program, Scenic Designation by New York State. The purpose of this zone is to insure the open space character of these parcels. The third zone is a "Residence A4" zone which you see in yellow. That zone includes all of the privately held parcels in the study area. And the determination as to the density of one unit per four acre, relates to recommendations from New York State Wild, Scenic Recreational Rivers Program, New York State Part 666, which provides for a density of one unit per four acres. So essentially what we did was incorporate the state legislation onto the local map. The final recommendation in this area is for a residence "A" zone just south of Main Road. The reason for that is because that area is not within the boundary of the tributaries and/or the scenic designation of the New York State Part 666. We also show Camp Wauepax which is owned by the Boy Scouts, Nassau County Council as an open space conservation zone. I think that's all. That's this area just to the west of the National Cemetery and it's shown in green."

Supervisor Janoski, "Why don't we break this down into the separate headings and the first hearing scheduled here is the open space conservation district. The subject matter is the addition of that to the Town Code and the implementation on the properties marked in green. I would recognize anyone wishing to be heard on the subject of the open space conservation district and the implementation."

PUBLIC HEARINGS Continued

Arthur Noble, "I represent the Nassau County Council of Boy Scouts, Camp Wauepax. I don't know whether the public hearing allows for asking questions and getting responses. But it would appear that without a definition of open space as it relates to the size and make up, the operative word in this regulation is non-taxable status. It was mentioned that there was nine thousand acres, eight thousand which are already owned by governmental agencies, leaving one thousand. Camp Wauepax represents 531 of those acres. Most of which is now zoned residential, not industrial. I believe 131 acres is zoned industrial. That's the section that surrounds the Wading River Motel and runs along the National Cemetery. So I guess the one question I would have as it relates to this zoning is; by definition. In the previous map and the other map in the planning office as it relates to the Wading River Hamlet, the zoning that's being considered here is open space. basically applies only to the lands owned by the non-profit organizations such as the P.B.C., the 4-H, the Suffolk County Council of Baiting Hollow, the Little Flower House of Providence, etc., etc. And it would seem to me that if it is the intent of this zoning classification to classify land as tax exempt or non-taxable. Then perhaps that's better phraseology than open space since open space is not defined."

Supervisor Janoski, "Thank you Mr. Noble. In the back there."

John Turner, "Good evening Supervisor Janoski, members of the Town Board. My name is John Turner and I serve as a Board to the Long Island Pine Barrens Society which is a not-for-profit conservation organization dedicated to the protection of the Pine Barrens. I'd like to take this opportunity to express the Society's strong support for the creation of this new zoning category; open space conservation zone. We think that it's an important. It's important because so much open space has been protected through acquisition throughout Suffolk County. But these types of measures are necessary to see that in perpetuity they remain that way. And because of that, certainly other towns have implemented similar or identical zoning categories. I think the Town of Southampton/Easthampton comes to mind having enacted such categories over their open space land. I would like to say that I think the map should be extended in terms of the open space conservation zone in terms of the land south of Grumman Boulevard and west of Line Road north of Wading River Manorville Road and east of Schultz Road. The area that is proposed to be zoned, I guess, under the D.I.D. zoning. We think that should be rezoned under this. That made sense for really two reasons. One, the land further east which is part of the federal holding, is proposed to be rezoned as open space conservation. And if you're familiar with uses of the property, the larger runway buffer to the west if you will, it's used by hunters. It's used by fishermen. It's used extensively by hikers. It's used by bird watchers. Pretty much any type of recreational use you could imagine is found on that property. In fact. The D.E.C. has a formal agreement with the federal government, with the U.S. Navy to provide recreational opportunities in that sector. So we would, again in reiteration and conclusion, certainly support

PUBLIC HEARINGS ContinuedJohn Turner, Continued

the creation of the open space zone but urge that you extend it to include that land that again, is commonly referred to as the runway buffer west. Thank you."

Supervisor Janoski, "Thank you. Is there anyone else present who wishes to address the Town Board? Yes Sherry."

Sherry Johnson, Manorville, "I too am in favor of the open space conservation district. However, there are two areas on the map which are incorrect and I would hope they would be corrected before it's finalized. The small triangular parcel bordering Grumman Boulevard and River Road was included in the Swan Lake purchase last December. So that is county property. And the odd shaped parcel bordering the runway buffer along the Brookhaven Town line is in fact part of Robert Cushman Park also County property. That should be definitely be in green. And I would also support the incorporation of the navy buffer zone into this category. Thank you."

Supervisor Janoski, "Thank you. Is there anyone else wishing to be heard on the subject of the open space conservation district and its implementation. Mr. Schmelzer."

George Schmelzer, "May I ask why you didn't delineate the land owned by the Navy as separate from owned by the county as separate as owned by Brookhaven Lab so we can make some sense out of that thing?"

Supervisor Janoski, "I'm trying to figure out your question."

George Schmelzer, "By looking at it, what land is owned by Brookhaven Lab?"

Supervisor Janoski, "Brookhaven Lab isn't on the map. It's in the Town of Brookhaven."

George Schmelzer, "You sure?"

Supervisor Janoski, "Last I knew unless they moved it."

George Schmelzer, "Some of the land that the county.... Well, they tried to steal it but they had to pay them off for it in '63. Later on, Brookhaven Lab, they condemned it from the county. The county was pretty hot about it because they didn't get all the money they wanted but they... But Brookhaven was doing to them what they try to do to people who owned it. I'm not sure they went to the town line or went beyond. So maybe they went to the town line. You should know better. But how about along the river. Is that green line supposed to be where the land that the county took from the people?"

Supervisor Janoski, "Much of it is."

PUBLIC HEARINGS Continued

George Schmelter, "Some of it's private land? What does that mean? A private guy owns it, he just can look at it. Pay taxes on it and walk on it. Does the Town Board members own any land that they can walk on and look at and watch the birds close up or be a bird brain watcher, whatever you call them?"

Councilman Pike, "If you want to know, the Pike family owns an area that's being upzoned to four acres."

George Schmelter, "I thought a pike was a fish, not a bird."

Councilman Pike, "That was good zoning discussion."

George Schmelter, "Where does your family own land?"

Councilman Pike, "In the southwest quadrant underneath the Grumman parcel so that the last of the.... You see where the new Grumman facility is being built there on Swan Pond Road? There's an industrial zone to the north of it. The last piece of the property. There is two five acre parcels there."

George Schmelter, "In Wading River Estates?"

Councilman Pike, "There are two five acre parcels that the Pike family owns and we'll be upzoned."

George Schmelter, "To what?"

Councilman Pike, "Four acres."

George Schmelter, "Why don't you make it green?" Well, you make somebody else's green, why not do it to yourself?"

Councilman Pike, "That's what we're doing."

George Schmelter, "No you're not. You're making it residential or something. How about making it green then nobody can use it including yourself. You want to do that to other people, why not do it to yourself?"

Councilman Pike, "Can you give us an example of another individual that we're doing that to?"

George Schmelter, "The Supervisor just said that some of the green spots is privately owned."

Councilman Pike, "To my knowledge, that's incorrect."

Supervisor Janoski, "He's right."

George Schmelter, "He's right? All that green is private land?"

Supervisor Janoski, "The yellow is privately owned."

PUBLIC HEARINGS Continued

George Schmelzer, "Do I understand you correctly? South of Swan Pond Road or River Road, none of the green is privately owned?"

Councilman Pike, "That was the principal of organization for the zones. Yes."

George Schmelzer, "I asked you a direct question. Yes or no. Is there any of it privately owned?"

Councilman Pike, "Yes."

George Schmelzer, "You don't even know."

Supervisor Janoski, "The green areas?"

George Schmelzer, "Yes. Is any of it privately owned?"

Supervisor Janoski, "Is any of the green area privately owned?"

Richard Hanley, "There are a number of parcels which are held by not-for-profits which fall under the definition of being wholly or partially exempt. Can you hear me? There are a number of parcels on the map that are shown on green which are held by not-for-profit tax exempt entities such as Baiting Hollow Road and Gun Club and there is an old filed map south of Swan Pond Road which some of it is private ownership"

George Schmelzer, "Wading River Estates? Well, lot of land is owned by non-profit but you still have to pay taxes on it. These special deals with these outfits, they say they're non-profit but they don't have to pay any taxes. We would all like to be on a racket like that. Is any of that green owned by owners who pay taxes on it?"

Richard Hanley, "On the old filed map?"

George Schmelzer, "Anywhere in that green. Is any of it privately owned where the owner pays taxes?"

Richard Hanley, "It should not be."

George Schmelzer, "Well, you say shouldn't but is it or isn't it? You don't even know what you're presenting even. All I get is mixed answers."

Supervisor Janoski, "George, your five minutes are about to expire. How do you feel about the open space concept?"

George Schmelzer, "Well, the county bought some land and they make open space and now the D.E.C. and the scenic river business. Now I don't know what the Town Board really thinks and they were misleading us. Trying to be against it and all the time you were for it. You were for it all this time. Now it comes out, the truth. You're in favor of that nonsense."

Supervisor Janoski, "George, you're too close to the microphone."

George Schmelzer, "Or the microphone is too close to me. I don't know which it is."

Supervisor Janoski, "The Peconic River Act is now off. We don't have any option as to whether we're for it or against it."

George Schmelzer, "You don't have to cater to your zoning. Let them fight with the people themselves and get blamed for it. You're taking them off the hook agreeing with them on everything so they don't have nothing that concerns them. You do it for them."

Supervisor Janoski, "Thank you George. I take it you're opposed to the open space zone."

George Schmelzer, "Well, the way you've got it set up. I suggest you buy some land down there yourself and give it to them. Thank you."

Supervisor Janoski, "Thank you. Is there anyone else? Mr. Tuccio."

Edwin Tuccio, Riverhead, "The area that is green, the paper lot subdivision, there are actual hundreds of lots that are privately owned in that subdivision. They are checkboarded. It's probably because the inexperience of the Planning Department that they don't know that that exists. And people, if they had access, they could develop those pieces."

Supervisor Janoski, "There is a checkboarding in there of privately and publicly owned land. And believe me, the fellow that owns a great many of those privately owned pieces of property, if he could, would."

Edwin Tuccio, "Well, if you zone it the way they have it, open space, the planner just told me that the use that that private property would have, would be parkland. Now, it only makes any sense that they're going to go and sue the town on the basis of not being able to develop their property because they have been zoned out of its ownership and you should... Well, when they go to court, they're going to go to court on the basis of highest and best possible."

Supervisor Janoski, "Eddie, those lots have been subdivided and sitting there for as long as I've been Supervisor."

Edwin Tuccio, "There's many lots in Riverhead that have been long before you were Supervisor."

Supervisor Janoski, "Well, I don't know about before that."

Edwin Tuccio, "And long after you'll be Supervisor. But those particular lots. You're condemning people's rights."

Supervisor Janoski, "Probably. The owner has not been able to use those lots and he calls me up once a month and asks me if the town wants to buy them."

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PUBLIC HEARING Continued

Edwin Tuccio, "But that particular person is not the only person that has lots there."

Supervisor Janoski, "Well, I'm using him as an example and he owns many of the lots and he can not develop those properties."

Edwin Tuccio, "The only reason he can't..."

Councilman Pike, "What's the point? Would you rather see him go into the four acre zone where he couldn't develop there or have pre-existing residential rights?"

Edwin Tuccio, "He should go into the four acre. If it's publicly owned, then they can do anything they want with it. but it isn't. And the only reason those particular lots can't be developed is because Montauk Aerial owns the lots along the road not the County of Suffolk. And Montauk Aerial is Grumman. That is the only reason those lots can't be developed."

Supervisor Janoski, "So they can't be developed."

Edwin Tuccio, "At the present time unless somebody should buy Montauk Aerial."

Supervisor Janoski, "Have you ever bidded?"

Edwin Tuccio, "Who knows. But what I'm trying to point out is that that land should be four acre residential or the Town of Riverhead should buy it."

Supervisor Janoski, "Fine Eddie. Then why don't you just say that and that's your position as far as this public hearing?"

Edwin Tuccio, "That's my position."

Supervisor Janoski, "Thank you. Is there anyone else who would like to express their view? Yes sir."

Lou Stark, Shelter Island, "This section here...."

Supervisor Janoski, "Mr. Stark, could you just hang on for a second here. For the record and with the microphone, identify yourself for the record."

Lou Stark, "This old filed map years ago, and then Grumman came in and a lot of those were picked up by Grumman. And this piece here, the green part and the yellow part north of this is what was known as map 29 divided into some 36 hundred lots. All 25 hundred. And it was done so in 1910. And over the years, the town or the county made it very difficult or impossible for anyone to do anything with these lots. So people died off and the county picked up. So in 1967, the county owned 60% of this and they were paying taxes to the Town of Riverhead. So they decided they didn't want to pay those taxes. So they decided these lots that they owned, this some 60% of these lots, something like 12 hundred and something.

PUBLIC HEARING ContinuedLou Stark, Continued

Eighteen hundred and sixty lots I recall now. They deeded them back to themselves for public use, tax exempt so they wouldn't have to pay taxes to the Town of Riverhead. So what happens? Along about in 1979, the county planner decided that maybe someday Grumman would want this land here being they already had this and the road frontage. So they put this up north of Oak Street, this yellow part, for public sale of surplus county real estate and sold it. Even though it was publicly owned and they sold it for a thousand dollars an acre a parcel approximately. So now, they aren't including this piece in the public in the green. Just this part here. Now, doesn't that look kind of silly to have this piece of green right here. What about all this yellow around here which is residential zone or proposed residential zone. Right across the road from Grumman. Grumman doesn't want any residential around them but that's what you're doing. Not only that, as has been said; you're changing this zoning from industrial to open space which is a devaluation of the property and the cheating of the owners of the property. Thank you."

Supervisor Janoski, "Is there anyone else present who wishes to address the Board on this issue? That being the case.... Mr. Danowski."

Peter Danowski, "I have to go on record, since we're talking about the southwest section again, on behalf of my clients; RJK Oceanside Enterprises who have had a pending application before the Board for some period of time and have visited with this Town Board who have had discussions with the Department of Environmental Conservation, would certainly oppose this upzoning. I would also point out, and I know that several members of this Board are aware that D.E.C. when they came down and put the moratorium along the river, they did so without requesting or requiring a public hearing. In fact, when they were in the Board meeting room at an informational hearing, they said they weren't required to hold a hearing until after the regulations went into place and then they were going to hold a public hearing to determine the width from the river whether they would shorten the half mile limitation. I recognize that after initial discussions as to the Peconic River, the state has added the word tributaries. I'd ask the Board consistent with any plan they might have in the southwest sector, they ask the state to immediately call a public hearing on determining where the width will be with regard to the regulations that they have put in place. No one has seen fit to put the heat on the state. We're existing with a half mile limitation which even erodes into the Village of Riverhead itself. Mr. Hanley made some mention that the zoning is consistent with the D.E.C. regulations, four acre zoning. I'm not so sure that's entirely accurate and I would like some time before any adoption to supply some further material to Mr. Hanley because I believe there is an ability to have a greater than four acre density in the area under the current regulations in New York State. And I would oppose it on behalf of RJK. In addition, there is at least one client that came to me on a very separate small (it seems like small) matter and eventually perhaps to one Board member. And that is a person who

PUBLIC HEARING ContinuedPeter Danowski, Continued

has two single and separate lots in the area now who has unfortunately, two homes on one of the lots. Now, all I want to do is not increase any density from what they have now. It's roughly two acres a lot. Two separate two acre lots. They just want to make it cut differently, switch it from a horizontal to a vertical cut so they can have a house on each lot. That's a type of exception I think can be built into the ordinance to allow that to just go through the normal planning stage on a minor subdivision split. So where you have no request for greater density, you have single and separate ownership now. Certainly, you shouldn't zap them with a four acre zone. Again, I recognize maybe there's not a large number of people here who actually own land in the area. But I would think that everyone who is going to be put in the four acre zone, is certainly not going to wish to have that put upon themselves."

Supervisor Janoski, "Thank you Peter. Is there anyone else who wishes to address the Board on the subject of the open space conservation district? That being the case and without objection, I declare the hearings closed." We will now take up public hearing on the defense institutional district and its implementation on the map. The defense institutional district is the striped purple. Would you, just refresh everyone's memory just explain it."

OPEN SPACE CONSERVATION PUBLIC HEARING CLOSED AT 10:17

DEFENSE INSTITUTION DISTRICT PUBLIC HEARING OPENED AT 10:17

Richard Hanley

Richard Hanley, "The defense institutional district is designed to recognize the resource of the Naval Weapons Facility that is within the study area. Essentially, what this zoning district does is provides as permitted uses; agricultural, national cemetery and Naval Weapons Testing Facility. There are two special permit uses as well in this district which include airport and utility structures and/or utility rights-of-ways. There is a host of accessory uses which I'll read. Accessory uses have to be concurrent with a permitted use to be permitted under the code. And those would include; the assembly production, processing and testing of aircraft, or other products related to naval weapons research, buffer areas for naval weapons testing, greenhouses agricultural, office buildings for business governmental and professional uses including administrative training, data processing, publication, financial and sales offices and related facilities in connection with such offices, offices or agencies for scientific or technical development, including laboratories, libraries, administrative training, data processing, indoor and outdoor recreational facilities, public and quasa-public, central heating and power plants, accessory uses, fully enclosed storage facilities incidental to the principle use, maintenance and utility shops incidental and other customary accessory uses incidental to the principle uses. All uses within this zoning district require a special permit of the Riverhead Town Board as well as site plan approval and conformance with other sections of the Riverhead Code."

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PUBLIC HEARING Continued

Supervisor Janoski, "Thank you Rick. The subject of this public hearing is the defense institutional district. It was just described with its implementation on the map in the striped purple area. I would recognize anyone wishing to be heard at this time. Yes, Ann."

Ann Miloski, "I live right across from Grumman's Engineering Plant. And I just wondered what you meant that they could have power plants. What type of power plants? I wouldn't want a nuclear power plant."

Supervisor Janoski, "Many facilities generate their own electricity through a number of means. We are not talking about a LILCO Power Plant if that's your concern."

Ann Miloski, "How about an incinerator plant for garbage?"

Supervisor Janoski, "That has been ruled out by the Navy. They don't want any part of one of those."

Ann Miloski, "Ok. That's all I wanted to know. The other thing that I wanted to say is; if you're not lifting a moratorium and you're doing the other part of the town, that and this should be done together. Because if you're going to have an airport, you have residential near airports. You have to keep it all together. Do you know what I mean? You're taking sections and rezoning instead of rezoning a whole area. Like the map we have before. If that went through with this, you would have an airport with all residentials around it."

Supervisor Janoski, "The questions before the Board are exactly that Ann. What should be implemented around this area which makes up the Grumman Facility. I am sure that is going to be the subject of some discussion. Thank you Ann." Is there anyone else present who wishes to be heard at this time? That being the case and without objection.... Mr. Schmelzer."

George Schmelzer, "I believe Mr. Hanley read off some rules and regulations pertaining to this here striped land. Is that correct?"

Supervisor Janoski, "That is correct."

George Schmelzer, "Do you really believe you're going to tell the Navy what to do with their own land?"

Supervisor Janoski, "We're going to try."

George Schmelzer, "You're going to try. Well, I think it is just a waste of a lot of noise. They do what they want anyway."

Supervisor Janoski, "Are you in favor of it?"

George Schmelzer, "Well why bother with nonsense like this. They're going to do what they want. You're trying to play big or something and tell the Navy what to do or something?"

PUBLIC HEARING Continued

Supervisor Janoski, "Well basically, what we're doing..."

George Schmelzer, "It's a lot of nonsense. What are you wasting your own valuable time?"

Supervisor Janoski, "I'm trying to explain this to you."

George Schmelzer, "I'm sorry."

Supervisor Janoski, "That's ok George. I sometimes find myself wanting to explain it to you and then I realize...."

George Schmelzer, "Ok. Explain it to me please."

Supervisor Janoski, "The zoning recognizes that Grumman owns a number of thousands of acres there which has an underlying zoning at the present time. And underlying zoning these. And what the Board is basically saying; is that Grumman in its operation and any expansion they would like to bring about is approvable in all right. But should Grumman, (and God forbid this should happen) pack up and go to Georgia, well then we have land there, thousands of acres that have zoning which perhaps is not consistent with our view for the development of the town. So that that is what the Town Board is doing."

George Schmelzer, "Well, if Grumman leaves, you would have a better airport than Islip does."

Supervisor Janoski, "That's one of the reasons we're doing it."

George Schmelzer, "You don't intend to bulldoze the runway do you?"

Supervisor Janoski, "No."

George Schmelzer, "Well, make the most of it what ever happens. But I think it's silly to try to tell the Navy what to do and all that nonsense."

Supervisor Janoski, "We are not telling the Navy what to do. We are saying that the Navy can continue with this operation in Naval Defense Systems. And I personally, and I can only speak for me personally, welcome what they do there and perhaps their expansion. But should they move out, then we do have a handle on the land use in that area."

George Schmelzer, "You're going to have a handle anyway. All you need to do is put a moratorium on it like you're trying to do to everyone else. All you need is put a permanent moratorium on the Navy land and sit on the moratorium and then you won't bother anyone else. Or you're scared to put a moratorium on the Navy. They might put a moratorium on you." It makes a lot of sense. This Board is getting worse every day I think. Don't get mad at me Joe."

PUBLIC HEARING Continued

Supervisor Janoski, "I never get mad at you George."

George Schmelzer, "Ok. Thank you. Everybody else can have the rest of my five minutes."

Supervisor Janoski, "Thank you George. Is there anyone else present who wants to address the Board on this proposal? That being the case and without objection, I declare the hearings closed."

DEFENSE INSTITUTIONAL DISTRICT CLOSED AT 10:25

Supervisor Janoski, "I would ask that the Town Clerk please read the notice of public hearing on the extending of the moratorium in Wading River. Yes sir."

Charles Cuddy, "Did we have a discussion of the rezoning of this whole sector?"

Supervisor Janoski, "That was part of the hearing. Yes. It was the new zone and the implementation.. Would you like me to re-open it? Certainly. I was waiting for you."

RE-OPEN DEFENSE INSTITUTION DISTRICT HEARING

Charles Cuddy, Attorney, "I represent Dr. George Emmanuel who owns a piece of land in the southwest sector. My understanding was that we were going to final to get to that as the last item and that's why I waited. I'd like to say several things and I appreciate you re-opening the hearing so I could. One; I don't understand perhaps, and this is rhetorical, but the thinking of the Board in promoting non-use of an area that has the water. I heard Mr. Pike say that that has a substantial amount of water in it. You seem to be saying; we'll put the residences away from where the water is. That doesn't make an awful lot of sense. Usually we put the residences near where the water is. And I would point to the Town of Easthampton that exactly that type of thing. They said we won't have residences near where the water is. We will have them away from where the water is and a judge two years ago, struck that moratorium down based upon doing exactly the thing the town is doing. Secondly, I would ask you, and again not entirely rhetorically, is the density is virtually nil in the southwest quadrant. Then why don't you put some people there? What you're doing again is you're saying there's no one there. So instead of putting somebody there, we'll take the people and put them in an area where there are people already. It would seem to me that that's an area that should have some development in it. Not a great deal but certainly some. You have eight thousand acres of non-developable land there and only one thousand that can be developed. My client owns 43 of those acres. I would hope that you would look closer at the Scenic River Regulations because I think they're a little different then they've been outlined. My section 666.5, f, g, and h, suggests to me that the state has said you can have four acre zoning, the state has said you can have two acre zoning and the state has also said that you can have multiple dwellings and they have encouraged clustering. If the section that

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PUBLIC HEARING Continued

Charles Cuddy, Continued

I have is the same as everybody else has, I would suggest then what could be done is to have some areas of housing that even could partially be affordable housing in the sense that you could have multiple dwellings clustered in some of those areas. The density that you would get would be marketly low. You have eight thousand non-developable acres. It would seem to me that that would be the place to have some housing like that. I wanted tell you the sad story of Dr. Emmanuel because it's worth this Board knowing what happens to people when they come to Riverhead and ask to do something that you're now proposing. A year and a half ago I represented Dr. Emmanuel and I came and I asked several of the town officials; could we have residential in what is industrial? It was industrial then and still is today. They said to us, the ACUZ zone from Grumman is there. You shouldn't do that. We wanted to have just one acre. They asked us not to do it. So we didn't do it. You also, at the same time, took the special permit provision out of the industrial zone. So it was impossible for us to do it. So then we went looking for a business use. Not an industrial use but just a business use. After about nine months, we found somebody to buy his property for business purposes putting up just one building on the whole 43 acres. The town then passed a moratorium. The buyer went to the town and said; can I now use it for business purposes? And the answer of course, was no. In the period of 14 months, we went from residence to business and back to residence. That's unfair. It's just wrong to do to somebody. The property has been sterilized. It should not be sterilized. It could be used properly and I think an appropriate way of using many of those properties is to follow what the state says. And I ask you again, to look at 666.25. I believe if you followed that and tracked that, that you'll allow these properties to be used in a more reasonable fashion and I ask that you do that. I thank you for letting me speak."

Supervisor Janoski, "Thank you Mr. Cuddy." I apologize. I thought I had... I guess you missed it. When we were going through each zone, I said these zones and its implementation."

Arthur Noble, "I'm sure I missed that. Again, I'm representing the Nassau County Council of Boy Scouts. It is our belief that the designation of our property in the southwest sector in the Town of Riverhead as open space conservation district, is in effect spot rezoning, discriminatory against it as a non-profit land owner. Nassau County Council also further believes that such rezoning is in effect, the seizing of development rights of the property without just and proper compensation. And therefore, we are opposed to this action."

Supervisor Janoski, "Thank you Mr. Noble."

Councilman Pike, "Mr. Supervisor, if I might. I just wanted to stick something in the record here to what was really not a rhetorical question that Mr. Cuddy asked because I think it was a good one. Why is less density here easily the most appropriate place for it in the Town of Riverhead? And it's really quite simple because man, in one activity or another, has basically screwed

PUBLIC HEARING ContinuedCouncilman Pike, Continued

up the water supply of the Town of Riverhead in every other sector of this town. We are faced with the ultimate question of how do we provide a permanent and sustainable water supply to the Town of Riverhead. And what we have is the aquifers. And for most of the upper level in the farmland and what little there is to the east, it has been made either unusable or requiring heavy filtering at least for twenty to thirty years. We have a serious problem here. And what you have before you is a reservoir system that if we protect, could provide enough for the saturation populations of the Town of Riverhead that we're looking at. And we have, through inaction, messed up so many things. Is there anyone here who would argue that but for the present of man, the bays would still be teeming with fish and clams would still be there? We're talking about an essential of human life here and it's not a rhetorical question. It's a very real one and I just wanted to make sure that got on the record."

Supervisor Janoski, "Mr. Cuddy. Mr. Schmelzer, hang on."

Charles Cuddy, "I have no fight with Mr. Pike. I have never met anyone who didn't want to save the environment. Quite frankly though, I find that a hard position for people to adopt and I really don't find people seriously adopting we don't want to have water. What I was trying to point out was that if you took the density that you're talking about the entire town and spread it out a little bit, put some of it down there, you might be better off. You're going to save the water. You're not going to have a greater density in the whole town. I'm just saying take it from one place maybe and put it in another place. That's not going to destroy the ultimate amount of water that you have and I don't want you to feel that that position is something that wouldn't be objectionable to my client. It is. You can take this and move it around. You've already moved it from five acres to four acres. The last hearing I was at, we had a five acre and now we're at four. I suggest you probably need three more hearings to get back to one. Thank you."

Supervisor Janoski, "The law requires me to recognize you."

George Schmelzer, "As far as water preservation, the colonial Millers and Cranberry Marsh builders didn't want to preserve water than anybody else did. They built all the dams. They built one on Peconic Avenue, the Mills, Forge, Edwards Avenue on back to where the Donahue estate was. They didn't have any Planning Board, Town Board and all that nonsense to tell them not to do it or to do it. And the water table in these areas are several feet higher because of that and the water is preserved. Now, getting back to that lawyer back here, mentioned spot zoning on the Nassau Boy Scouts. Nassau Boy Scouts pays no taxes. I remember it was about 1965, that whole strip of green that goes down by itself on the Nassau Boy Scouts land, the Nassau Boy Scouts sent a letter out and got it rezoned industrial. I don't know if they call it spot zoning or not. Was that spot zoning too? Was that spot zoning too? Never mind that Nassau is not our county and

PUBLIC HEARING ContinuedGeorge Schmelzer, Continued

they mooch off the town because they pay no taxes. I remember that time they tried to put on the tax roll that piece that was zoned industrial that goes down to 25. Immediately, the Nassau Boy Scouts march a troop of Boy Scouts through there once a year and say we're still tax exempt. We march the Boy Scouts through once a year, you can't tax that. The Town Board wasn't slick enough to make it conditional that it would go on the tax roll. So it never went on the tax roll. I think it still is industrial. So as far as spot zoning is concerned with the Nassau Boy Scouts, they favor this spot themselves for twenty years back. Maybe the attorney back there would like to answer me. I wish he would."

Supervisor Janoski, "I hope that he won't."

George Schmelzer, "I hope that he will. We have enough moochers in Riverhead Town from the outside. Thank you Joe."

Supervisor Janoski, "Mr. Noble, did I see you raise your hand?"

Arthur Noble, "I just wanted to mention that I'm not an attorney sir. I'm a career scout with the Boy Scouts of America and I have run that camp for the last fifteen years."

George Schmelzer, "I apologize for calling you a lawyer."

Sherry Johnson, "It was my understanding that there was three hearings scheduled for tonight on this section. Are you going to open the southwest quadrant, the rezoning there as a whole? I thought you were still on defense institutional. I have been encouraging the Board for three years to rezone this section. I have felt that the industrial zoning here was inappropriate. I very strongly support the rezoning. I think it's needed. This is a Pine Barrens area as Councilman Pike stated. The three main tributaries to the Peconic River are located here and the area is governed now by state regulations under part 666. And part 666 does state that a new principle building shall be developed on a lot which is at least four acres in scenic areas. So that would be in conjunction with the four acre zoning here. The only part in the overall zoning that I do disagree with is the orange coloring for one acre below Route 25 along Wading River Manor Road. That is still part of the half mile boundary area and I feel that it also should be yellow. Thank you."

Supervisor Janoski, "Is there anyone else present who wishes to be heard? That being the case and without objection... Betty Brown."

Betty Brown, "I would just like to go on record to say that we support the rezoning of the southwest sector also. Thank you."

PUBLIC HEARING Continued

Supervisor Janoski, "Anybody else? That being the case and without objection, I declare the hearing closed. We are going to have a short recess so that we can get another tape for the tape machine. Why don't we take ten minutes and be back here at ten minutes of eleven."

DEFENSE INSTITUTIONAL DISTRICT HEARING CLOSED AT 10:39

TOWN BOARD MEETING RECESSED AT 10:39

TOWN BOARD MEETING RECONVENED AT 10:50

Supervisor Janoski, "If I could have the Town Clerk read the notice of public hearing."

PUBLIC HEARING - 7:30 p.m.

I have affidavits of publishing and posting that a public hearing to be held at Riverhead Town Hall on Tuesday, October 13, 1987 to hear all interested persons who wish to be heard regarding: The Addition of Definitions to Section 108-3 of the Town Code.

Supervisor Janoski, "Thank you. Mr. Hanley."

Richard Hanley, "Essentially, what we're doing here is adding to 108-3 which is site plan review provision of the Riverhead Town Code, definitions on greenhouse, agricultural, commercial and greenhouse private because we make reference to those developments in a number of the sections in the new zoning amendments in the southwest sector. So that hearing is on that application."

Supervisor Janoski, "Could you illuminate that a little better?"

Richard Hanley, "How about I read definitions. Greenhouse agricultural; this definition exists presently in the Southampton Code. A structure utilized for seed germination, plant propagation, hardening-off or forcing or maintenance of a controlled climate to sustain plant growth otherwise not possible in natural out-of-door surroundings. The retail or wholesale sales of such products raised on premises is permitted, except that sale of live or fresh products not raised or produced on premises shall not be permitted. The sale of other products produced or otherwise prepared or manufactured off premises shall be prohibited. The definition of greenhouse commercial; a structure utilized for seed germination, plant propagation, hardening-off or forcing or maintenance of a controlled climate to sustain plant growth otherwise not possible in natural out-of-door surroundings. The retail or wholesale sale of such products raised on premises is permitted, as is the sale of live or fresh products not raised or produced on the premises. The sale of other products produced or otherwise prepared or manufactured off premises shall be permitted only if such products are related to agriculture or horticulture. And the third definition is green-

PUBLIC HEARING ContinuedRichard Hanley, Continued

house, private; an accessory building or structure subordinate to a dwelling, not exceeding five hundred square feet in area, intended and used solely for the private enjoyment of the residents thereof. Those are the three items."

Supervisor Janoski, "Is there anyone present who wishes to address the Board on the addition of those definitions to the Riverhead Town Code? That being the case and without objection, I declare the hearing closed."

PUBLIC HEARING - 7:30 p.m.

I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall on Tuesday, October 13, 1987 to hear all interested persons who wish to be heard regarding a Local Law extending the Moratorium in Business "C" and Business "CR" in the Hamlet of Wading River."

Supervisor Janoski, "Thank you. It's rather self-explanatory. Is there anyone present? Mr. Lynch."

Joseph Lynch, "I speak as president of the Wading River Civic Association. I'd just like to preface my remarks and say that I'm going to ask for something here that I'd rather not. I feel that we shouldn't be in the position of asking for this but we really find no choice. To the Riverhead Town Board, during the past year, the citizens of Wading River have become increasingly alarmed at the threat of rumored development. All one had to do was to go to the supermarket, visit one of the beach clubs or attend a meeting of any community organization to hear the concern. As a result of this community concern, the Wading River Civic Groups realized that we had a unique opportunity since most of the 25A corridor and much of the buildable land was vacant. Through community planning, the possibility of saving Wading River from becoming part of the suburban ugliness we see to the west seemed exciting. After debate and deliberation of the Riverhead Town Board graciously agreed to be responsible for funding a hamlet study of the Wading River Area. Today we are at the stage of selecting the professional firm that will work with town and community representatives. Unfortunately, the protection that we need from development for the duration of the study, will disappear on November 2, 1987. Therefore, the Wading River Civic Association along with the other civic groups in the community, urge the Town Board to pass the following resolution: A Local Law Providing for a Temporary Moratorium on Development in Wading River, a Total Suspension of the Authority to Grant Approvals of All New Applications and any new Existing Applications of Site Plans not Presently in Phase II Including C.R. Business, Professional and Major Subdivisions in order to Permit Effective and Orderly Completion and Implementation of a Wading River Hamlet Study. I note that this is beyond what the proposal and the hearing calls for. Your careful consideration and approval of

PUBLIC HEARING ContinuedJoseph Lynch, Continued

this proposal will be appreciated by the citizens of Wading River. Let's complete this joint venture that we started a few months ago and end up with the Wading River that the Town Board and the citizens can be proud of. And as a footnote, I would mention that we didn't think we'd be here asking for another moratorium. Only this afternoon we sat in on an interview of selection of three candidates for the company or the firm to carry on the hamlet study. So we've come that far in six months. We hope that you will extend the protection so that we can go at a greater rate in the future. Thank you."

Councilman Boschetti, "Excuse me. Mr. Lynch, you're asking for a moratorium in the entire hamlet area of Wading River which goes beyond...."

Joseph Lynch, "That's correct except for individual spot homes, renovations, extensions and so forth. The only thing beyond what your proposal was was that we wanted to include the major subdivisions and the business property not in "CR". And this afternoon we heard the professional firms, when they heard that the hearing was going to be tonight, said that (let this go on record) if we were to take the study, we would hope that you would have a moratorium in effect. If the picture is changing as we study it, it would be make it almost impossible to do the job. So we don't have anything against people building a home or a deck or an extension or remodeling a house. We're talking about major things that would change the picture of the community."

Councilman Boschetti, "Thank you."

Jane Alcorn, "I'm here on behalf of the Century Farms Civic Association and I'd like to echo what Joe said. That we thought when we originally granted this moratorium six months ago that we would be much further along in this process by now and that we wouldn't be faced with the dilemma that we have now. We feel for our neighbors who are concerned about their property that they'd like to develop. And to the end, we'd like to see this process speed up a little bit if it's possible. Let me read what the Civic Association has decided upon. The Century Farms Civic Association is pleased that the Town of Riverhead, in an effort to provide for comprehensive and effective planning for Wading River, implemented a moratorium on "CR" zoned construction to allow time for a hamlet study to proceed. The hamlet study is not in its formulative stages with professions now being hired to oversee and develop the study. The moratorium of this past spring expires as of Election Day. The hamlet study will be far from complete at that time. In fact, it will be just starting if that. This presents a dilemma that the Town Board has within its power the ability to solve. We urge the Board to enact a law which provides for a temporary moratorium on development in Wading River. We believe it should provide for a suspension of approval of all new applications and any existing applications of site plans not presently in Phase II, including "CR", business, professional and major subdivisions, in order to permit effective and orderly com-

PUBLIC HEARING ContinuedJane Alcorn, Continued

pletion and implementation of the Wading River hamlet study. We join with the other civic associations of Wading River in support of this proposal. And again, it's not something that we relish asking for and we don't want to see something that goes on for months and months and months. We'd like it to be timely and completed well within a short period of time."

Supervisor Janoski, "Did you attend the meeting this afternoon? I know Joe did. Are you aware of any indication of the time the people who are considering selecting to complete the study?"

Jane Alcorn, "No I'm not. But in May, I recall hearing from members of the Board that they expected a great amount of the hamlet study to be completed by (probably) August and here we are in October. We don't even have a firm to do it."

Supervisor Janoski, "Initially, we were going to do the planning ourselves."

Jane Alcorn, "I know. So what I'm saying is that all this time has elapsed and we still don't have the firm hired and I know that the civic associations, we've looked over proposals and considered some of the firms that had been presenting their resumes to you. We, in writing, recommended to the Board one that we felt would be a competent one. And I think that those members of the civic association that attending the interviews today, had their feelings confirmed on that."

Supervisor Janoski, "The reason I asked the question is because my understanding is that the firms are indicating a minimum of eight months to complete this study."

Jane Alcorn, "That seems a long time but I hope they can complete it in that time and not make it longer."

Councilman Pike, "Rick, is there any of the applicants that indicated a time line if they were given the resources they needed it would be longer than eight months."

Richard Hanley, "Longer than eight months."

Supervisor Janoski, "The gentleman in the back there."

Michael Augusta, "I'm a property owner in Wading River. I'm also a developer who would like to develop a piece of property along 25A and near the corner of Wading River Manor Road. I beg to differ with Mr. Lynch who says we've come this far by selecting a person to do the job of looking at a hamlet study. Unfortunately, he's not using his own money. Because since I'm using my own money, I was able to select someone in less than one month's time. Now, my study is only going to take four months to do and I'm only looking at a very small parcel of land I'm looking to develop. If you're looking to do a hamlet study for a whole town, tie up my money and my development so that you could do this. Now, I work with the town, work with the civic associa-

PUBLIC HEARING ContinuedMichael Augusta, Continued

tions to offer and give them something that they could work with. I find that very repulsive quite honestly. I find that you're taking my property away and holding my development up and my profit up and I don't feel that is fair. If you want to put your money where your moratorium is, I wish Mr. Green or what ever his name was, was here. I'm sure he would support me on this. Then fine. Purchase the properties and then do your studies and then sell it. So I'm very much against any moratorium, any continuation. I don't think anything was accomplished in a six month period of time. I don't foresee you accomplishing anything in the next six months. I think in eight months, you're going to come back and find out that you need more time. Meanwhile, people who have money invested or paid interest on a monthly basis, have to sit there and look at vacant land. It's developable. Something can be built. Something should be built. It's not something is going to detract from the town. It's going to be something that's going to be adding to the town and I don't quite understand why the town is looking not to do the development. Therefore, I'm against the moratorium 100%. Thank you."

Supervisor Janoski, "Thank you."

Sue Higgins, "I'm the president of the Wildwood Hills Property Owners Association and after I read this statement, you'll see that the civic associations in Wading River are somewhat united on this. Gentlemen of the Town Board: I have been authorized by the Officers and Board Members representing the members of the Wildwood Hills Property Owners Association to propose the following: Our association members favor a local law providing for a temporary moratorium on development in Wading River to include "CR", Business, Professional and Major Subdivision building. We favor a suspension of the authorization for approval of any new application or existing application not presently in Phase II in order to permit the effective and orderly completion of a hamlet study in Wading River. Thank you."

Supervisor Janoski, "Thank you."

Jackie Dean, Wading River, "I really didn't plan on speaking tonight but I felt compelled to tonight. I am a homeowner in Wading River and I don't really approve of any more buildings going up because they have a new shopping center very close to where I live and half the buildings are empty. And I don't see why they have to continue build and ruin what is a nice rural area. I'm just... I want the moratorium to be...."

Supervisor Janoski, "That's interesting because what does a moratorium mean to you?"

Jackie Dean, "Well, I want it to be so that they can stop building. Did I say the wrong thing."

PUBLIC HEARING Continued

Supervisor Janoski, "No, no. Unfortunately, one of the questions that I have is; some people have been convinced, and I think wrongly, that the study will result in property being zoned in a such way as that the owner can't use it ever. And there's got to be some use that we allow to the property owners. Be it industrial, commercial or residential. So when the study is done, the planners that we hire are going to say to us; we think this property should be developed in such a way. So if your goal is to stop building completely, I don't know if that's going to be a result."

Jackie Dean, "Well, I don't know. It's just that there are so many... If you look along 25A, not just in Wading River but all along. There are some businesses that have been built and they're just sitting there empty. A lot of them have gone under and it's ruined the area. Well, look at Rocky Point and look at Mt. Sinai. It's a disgrace I think. We've just been here about a year and a half."

Supervisor Janoski, "The Board has been concerned about the business zoned area along 25A which is why we went to work and created the "CR" zone."

Jackie Dean, "Basically why I'm concerned is because my house, if they continue to build along 25A, my house will be affected by it and that bothers me because I have small school age children. And then right now where I live, it's difficult enough to get out on 25A without making it more business-like. I guess I don't mind the residential. It's the small businesses. I think there's enough there right now for the time being."

Supervisor Janoski, "I understand. Yes, Bruce."

Bruce Stukey, Wading River, "I've lived there for about 18 years. I've been a resident of Suffolk County all my life. I've watched the growth. I kind of like Wading River or I wouldn't be there. I've raised three children there through the school system, watched it grow. I'm very happy to see the changes that have come about as far as the "CR" zoning because I am against strip zoning myself. Now, Rocky Point is no good with strip zones. Although I do disagree, there aren't too many businesses out of business in Rocky Point and Mt. Sinai. Most of those stores are rented. Good or bad esthetically but they are rented. Wading River, yes we do have one shopping center that is relatively empty. And I think one of the reasons for the changes and the update in the "CR" zoning was because of a parking situation. One of the main reasons. So they increased parking. Some of the people you're talking about, in a very short period of time, purchased the property along 25A for business use, have gone through three zoning changes. When I say three, it started out as a business zone. Then you had the "CR" zone and then you had the amendment of the "CR" zone in a relatively short time. These people, the gentleman who came up, was obviously upset because he's been delayed and delayed and delayed. But I don't blame him for being upset. He's willing to make a big investment in that community. He's willing to work along with the "CR" zoning. He's got a plan that the Planning

PUBLIC HEARING ContinuedAllen Smith, Continued

can make their own plans. And you know what, they can afford it better than we can. Give them the book."

Unidentified Lady from Audience, "Really. When'did you do my last IRS return that you knew what I could afford Mr. Smith? I'm sorry."

Allen Smith, "Obviously the lady is not interested in self determination of her own destiny or she would seize upon the idea of the Incorporated Village of Wading River. She...."

Unidentified Man from Audience, "We're just like you."

Supervisor Janoski, "Paul, you're out of order, please."

Allen Smith, "She can have absolutely...."

Councilman Boschetti, "Mr. Chairman, I think this whole line of discussion is out of order. We are talking about a moratorium in "CR"."

Allen Smith, "We're talking about a study of what is appropriate planning for the hamlet of Wading River. And in case you don't realize it Mr. Boschetti, a Village does have the right to zone for itself. Maybe you've missed that somewhere along the line."

Supervisor Janoski, "Mr. Boschetti, you're out of order. Allen please state your testimony."

Allen Smith, "I've stated it. Certainly that any part of any study that it does professionally, the corporation of a Village of Wading River should be included and considered. Thank you."

Supervisor Janoski, "Thank you Allen. Yes."

Rick Searles, Wading River, "I'd like to talk to both sides of the coin. I've lived in Wading River for the last 14 years. I think Wading River has a tremendous potential to be a model community on the North Shore of Long Island. I think with proper planning, we can accomplish that. I'm not sure that a hamlet study is going to come back and change things as to whether we should or shouldn't have more commercial, less commercial or what ever. I think the moratorium aspect of things stagnate Wading River. The create hostile feelings between the people that want to come in and open up and run businesses. And they create hostile feelings for the residential people that don't want to see any more business in Wading River. I don't think that issue is ever going to be resolved. You're going to have a fifty fifty coin toss forever. Whatever comes out of the hamlet study is not going to be liked by most people or some people and it's going to be welcomed by open arms by others. At that turn of events, maybe we should study it again. I think the situation is that we have to put a group of people together through the civic associations, through the town, through

PUBLIC HEARING ContinuedRick Searles, Continued

the town planners. If the development of Wading River, if esthetics, if architecture is becoming a problem, maybe we should look outside of this room. Maybe we should bring an architectural review board in and have these plans submitted to them for esthetics, for planning. If we can't come up with the solutions to develop our own town or at least give good solid input, maybe we have to look past this room and past the civic associations and past community studies to get on with the projects. There are a lot of people out there that have valuable money, have land tied up with one moratorium upon another. We're asking for a hamlet study. I don't think that's a bad idea. On the other hand, I work within the community to try to plan it, to try to develop it. I have clients that want to get on with their projects just the gentleman expressed his interest here tonight. Where do we go from here? Do we extend this moratorium for nine months only to come back and say; well, we didn't particularly care with what this group came up with on this hamlet study. We would like a chance to put it out to somebody else and see what they come up with and we extend it another nine months. And can we do it for another nine months after that. I think what we all have to do is look at the thing, jointly come up with some sort of a solution that we can end the moratoriums and tastefully do Wading River. Thank you."

Jane Alcorn, "I just want to comment on what he said. I'm a member of both civic associations, the Wading River Civic Association and my own community neighborhood one. It's very interesting to me that the man who spoke earlier about his money being tied up said he's willing to work with civic associations. To my knowledge, he's never approached any civic association with the willingness to work. That's the first time we've heard of it. And I think that what the previous speaker to me said, is true. That we all ought to be working together and coming up with something. That's what the hamlet study, I believe, is the first step towards. And the moratorium is to protect or to help those people or firm that's working on a hamlet study from having myriad of changes while they're going through that study. I don't disagree with him in his assertion that people's money is tied up. That's a concern to all of us. We don't expect Wading River to stagnate and stay the way it is. It's impossible. We want to see some creative solutions to the planning problems and that's our concern. Not that we want to see people stuck with holding their property and paying mortgage payments and taxes without any return. We understand those problems and we'd like to see it move forward as quickly as possible."

Larry Ferrano, "This is more of a question about this whole procedure. You mentioned a time line before. Is it possible that this study can be done in stages where the commercial could be taken care of first by the study group and perhaps acted upon in two or three months by the Board while we're waiting for the rest of the study to take place?"

PUBLIC HEARING Continued

Councilman Pike, "It's possible but generally it's not preferable because planning works best when it's comprehensive in nature. The inter-relationship between commercial residential and the possible mixing of those uses is hard to do when you isolate it out. There have been attempts to do that in the past and I'm not sure everybody is satisfied with the end product. So I would not be in favor of repeating that mistake."

Supervisor Janoski, "Arthur."

Arthur Krepps, Wading River, "I own a piece of property. I want to build on it and I'm against the moratorium. What more can I say? I want to expand. I'm at a standstill. If it goes on another eight months, who knows what a building is going to cost in eight months the way prices go from year to year on buildings and houses. Thank you."

Supervisor Janoski, "Thank you. Is there anyone else who wishes to be heard? I see your hand. I just want to see if there is anyone who hasn't spoken. The young lady in the back there."

Theresa Southworth, Wading River, "I've lived in Wading River all my life and I've seen a lot of growth. All of these civic associations and new residents want to keep Wading River from growing but I asked them, if we felt that way years ago, would they be here? Ok. I don't personally like the huge influx of people in my town but we have them, and now we need some business to support them. And if these civic associations want open land and they want to prevent growth, I say let them buy the property and let them bear the burden. Thank you."

Supervisor Janoski, "Thank you. It looks like you're next."

Rick Searles, "I just wanted to suggest one other possibility."

Supervisor Janoski, "Could you make it on the microphone?"

Rick Searles, "Sure. I'll work my way up there. In lieu of the situation with the civic associations and the Town Board and the planners who would like to get this thing together and deal with it on a comprehensive basis, what about the possibility of not shutting the door on the people that own the commercial property in the "CR" zone and allow them at their expense, if they may wish to do, go through, prepare their site plans, prepare their presentations to the Town. So that during the course of the hamlet study, if it so deems that the "CR" zone stays "CR" zone, we can go ahead at that point to make applications for building permits to get on with it. I can't see any reason why the planning end of things on the developer's side or the landowner's side has to come to a complete standstill through the town during this course of action."

Supervisor Janoski, "My understanding is that a number of the property owners are willing to work with the planning people and consultants so that, not only will they work along with them, that there would be an intergration. I guess that's a possibility

PUBLIC HEARING ContinuedSupervisor Janoski, Continued

of what might happen over the course of this study. Then I'm happy to see it because it's an opportunity not to plan in a vacuum but to actually do hands on planning and something is actually going to become a reality. So I think to a large extent, that the offer of what the property owner's have made is essentially that. While they won't be making an application, they will be working along with the planning process in developing their projects in conjunction with the planning that's going to go on."

Rick Searles, "Let me ask you a question then. Why can't an application be made? It may not have to be granted or approved until after that hamlet study is completed and the civic associations have had their chance to run their course of what they're looking for. But applications should be able to be made to the Community Development Group so that we can hear preliminary comments from the town and start to develop the projects."

Supervisor Janoski, "Well actually, preliminary comments are possible before application. I mean that's a process that we have for preliminary work in discussion before hand. When you get it to a point when it's acceptable and that's when you make the formal application."

Rick Searles, "Yes. But during a moratorium, they won't accept the application. They won't sit down and discuss the planning because nobody knows what is coming out of it. If we can open the door and start the plan along with the hamlet study, everything gels later on. You save the people who have their money tied up in their land, six to eight to nine months of time of sitting stagnate with their project waiting to get into the town to hear it." Thank you."

Supervisor Janoski, "I understand. Thank you. Is there anyone else who wishes to address the Board? Yes sir."

Charles Wood, "Good evening again. I think it might be time for a moratorium on moratoriums or at least put a time frame on the moratorium if it seems essentially. I'm sort of in favor of the hamlet study definitely. But selfishly, sitting in my backyard is somebody who wants to buy this lot from me and what do I tell him? Eight months maybe, two years. Your hands are kind of tied here.. So I think a time frame would be something you might put on this moratorium if it's something that you're going to vote on. And the hamlet study I think, is a good idea. I think people in Wading River ought to pay attention to other things besides.... I mean there's other things. We've got the world's ugliest Fire Department, a four-story monster. We've got this nuclear plant that nobody gave a d--- about for twenty years. There are priorities. This moratorium is fine but it's peanuts compared to some of the ugliness in the community. Thank you."

PUBLIC HEARING Continued

Supervisor Janoski, "Thank you. Is there anyone else present who wishes to address the Board on the subject of Wading River? Mr. Moore."

Len Moore, Wading River, "I was just wondering what you consider Wading River."

Supervisor Janoski, "Wading River is defined for this hamlet study; is the town boundary of Brookhaven out along the Sound to Hulse Landing Road down an interesting line to 25 and back to the Brookhaven town boundary."

Len Moore, "In other words, it's all north of 25. Thank you."

Supervisor Janoski, "Is there anyone else present who wishes to address the Board? Yes sir. Arthur."

Arthur Kretchmer, "I'd also like to point out that it's not the taxes so much that's going to cost me at a later date. But if I have to wait another year, the inflationary value of putting a building up topped off with the interest that the bank would charge me. Maybe you're talking ten, twenty, thirty, forty thousand dollars over the course of six months or eight months. What is it going to be if they need another six months after that, we're talking a year. And then by the time they get done planning, it's two years. Who knows what it's going to cost by then. Thank you."

Supervisor Janoski, "Is there anyone else who wishes to address the Board? That being the case and without objection, the hearing is closed. We have four resolutions. Mr. Prusinowski, would you have an idea on the resolutions?"

Councilman Prusinowski, "If nobody on the Town Board objects, I would like to move resolutions number 733 to 736 inclusive."

EXTENSION OF MORATORIUM IN WADING RIVER HEARING CLOSED AT
11:25

RESOLUTIONS

#733 AWARDS BID FOR 4X4 PICK-UP FOR USE BY POLICE DEPARTMENT
(DOG WARDEN).

Councilman Prusinowski offered the following resolution which was seconded by Councilman Lombardi.

WHEREAS, the Town Clerk was authorized to publish and post a Notice to Bidders for a 4X4 pick-up for use by the Police Department; and

WHEREAS, all bids were received, opened and read aloud pursuant to said notice; and

WHEREAS, a total of one (1) bid was received.

NOW, THEREFORE, BE IT

RESOLUTIONS Continued

RESOLVED, that the bid for a 4X4 pick-up be and is hereby awarded to Pastor Chevrolet in the amount of \$12,648.00; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Pastor Chevrolet and the Riverhead Police Department.

The vote, Boschetti, yes, Pike, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#734 AWARDS BID FOR FOUR-WHEEL RUBBER TIRE BUCKET LOADER FOR USE BY THE RIVERHEAD LANDFILL.

Councilman Prusinowski offered the following resolution which was seconded by Councilman Lombardi.

WHEREAS, the Town Clerk was authorized to publish and post a Notice to Bidders for a four-wheel rubber tire bucket loader for use by the Riverhead Landfill; and

WHEREAS, all bids were received, opened and read aloud pursuant to said notice; and

WHEREAS, a total of one (1) bid was received.

NOW, THEREFORE, BE IT

RESOLVED, that the bid for a four-wheel rubber tire bucket loader be and is hereby awarded to H.O. Penn Machinery Co., Inc. in the amount of \$417,690.00; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to H.O. Penn Machinery Co., Inc., and the Riverhead Landfill.

The vote, Boschetti, yes, Pike, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#735 AMENDS SITE PLAN OF EAST RIVERHEAD EQUITIES (JOSEPH MARTIRANO).

Councilman Prusinowski offered the following resolution which was seconded by Councilman Lombardi.

WHEREAS, site plan approval was granted to East Riverhead Equities by resolution #170 adopted March 17, 1987; and

WHEREAS, it is now the desire of the applicant to condense two buildings into one; and

WHEREAS, the Planning Department has given its recommendation regarding the condensation of the two buildings.

NOW, THEREFORE, BE IT

RESOLVED, that site plan approval granted to East Riverhead Equities adopted March 17, 1987, under resolution #170 be and is hereby amended in that the buildings designated "C" and "D" are to be condensed; and be it further

RESOLVED, that all other conditions and restrictions imposed upon the site plan approval adopted on March 17, 1987, be and are hereby in effect; and be it further

10/13/87

1210

RESOLUTIONS Continued

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to East Riverhead Equities, the Riverhead Planning Department, the Riverhead Planning Board and the Riverhead Building Department.

The vote, Boschetti, yes, Pike, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#736 APPOINTS MEMBER TO AFFORDABLE HOUSING TASK FORCE.

Councilman Prusinowski offered the following resolution which was seconded by Councilman Lombardi.

WHEREAS, due to the declination of Joseph Pufahl to membership with the Affordable Housing Task Force, a vacancy now exists in the membership of that body.

NOW, THEREFORE, BE IT

RESOLVED, that Robert Hodge be and is hereby appointed to membership with the Affordable Housing Task Force, and be it further

RESOLVED, that the Town Clerk forward a copy of this resolution to Robert Hodge and to David Newton as Chairman of the Task Force.

The vote, Boschetti, yes, Pike, yes, Prusinowski, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

Supervisor Janoski, "Without objection, the meeting is adjourned."

There being no further business on motion or vote, the meeting adjourned at 11:28 p.m.



Irene J. Pendzick
Town Clerk

IJP:nm